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FOR

THE YEAR 1829—30,

OR THE

FIFTYFOURTH YEAR OF AMERICAN INDEPENDENCE.



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# CONTENTS.

	Page.
<b>UNITED STATES.</b> —Inauguration of General Jackson.—State of Public Affairs.—Political Principles of President.—New Cabinet.—Removals.—Opposition in Senate.—Post-office Department.—Dissensions in the Cabinet.—Controversy between the President and Vice President.—Cause and consequence thereof.	9
Situation of the Country.—Claims upon France; origin of Claims.—Claims upon Denmark; settlement of.—History of French Claims; negotiations concerning same.—Brazil.—Negotiations with Turkey; Treaty.—Great Britain; Colonial Controversy; History of Dispute.—Policy of Great Britain; of United States.—Law of 1813; of 1820.—Negotiation.—British Law of 1822.—Law of 1823.—American Ports opened.—British Law of 1825.—Colonial Ports closed.—Negotiations renewed.—Proceedings in Congress.—Concessions by United States.—American Ports opened.—Colonial Ports opened.	26
Treaties between the United States and Cherokees.—Condition of Cherokees.—Constitution adopted by do.—Policy of Georgia.—Views of Federal Government.—Question between the Cherokees and the United States.—Conduct of Georgia.—Proceedings in Congress.—Bill reported in Senate.—Proceedings in Senate.—In House.—Passage of Bill.—Character of Bill.	43.
Opinions in South Carolina.—Proceedings in Southern States.—Nullification.—Public Lands; system of disposing of same.—Pretensions of Indiana and Illinois.—Graduation Bill.—Mr Foot's Resolution; Debate thereon.—Mr Hayne's Speech.—Mr Webster's Reply.—Effect of Discussion.—Graduation Bill passes the Senate.—Laid over in House.—Nullification Party.	62
Opening of the First Session of Twentyfirst Congress.—President's Message.—Retirement.—Amendments to Constitution.—United States Bank.—Tariff; Bill to enforce; Policy; Discussion of and Passage.—Bills to reduce Duty on Salt; on Molasses; on Tea and Coffee.—Tonnage Duties.—Cash Duties.—Mr Benton's Scheme.—Mr Cambreleng's Navigation Bill.—Discussion concerning prosperity of Country.	143
Treasury Report for 1829.—Appropriations for 1830.—Support of Government.—Discussion on Bill.—Naval Service.—Marine Corps.—Fortifications.—Engineer Department.—Military Service.—Department.—Massachusetts Claim.	176
Progress of Internal Improvement.—Act of 1824.—Opposition to System.—Course of Discussion.—President's Opinion.—Orleans and Buffalo Road Bill.—Survey Bill; Discussion concerning same.—Conditional Approval.—Maysville Road Bill; Rejected.—Discussion on Message.—Washington Turnpike Bill; Rejected.—Louisville Canal and Lighthouse Bills; Retained.—Harbor Bill.	191
<b>MEXICO.</b> —Condition of Country.—Invasion from Havana.—Defeat and Capitulation of Invaders.—Revolution.—Separation of Yucatan.—Abdication of Guerrero.—Bustamante chosen.	217
<b>COLOMBIA.</b> —Mosquera elected President.—Castillo's project of a Constitution.—Congress convoked on January, 1840.—Attempt to introduce a Monarchy.—Revolt of Cordova.—Arrival of Bolivar at Bogota.—Resigns his office to Congress.—Message to Congress; Character of do.—Separation of Venezuela.—Causes of Discontent.—Overthrow of Government.—Negotiations.—Mosquera chosen by Congress.—Commissions at Bogota.—Constitution accepted.—Sucre assassinated.—Movements in favor of Bolivar.—Dissolution of the Government.—Bolivar reassumes the Government.—Bolivar's death.	222

	Page.
<b>Buenos Ayres.</b> —Condition of Country.—Civil War.—Retreat of Rosas.—New Government.—Pacification.—Viamont elected Governor.—Proceedings concerning Dorrego's Execution.—Rosas elected Governor.—New Disturbance.—Alroga defeated.—Invasion of Cuyo.—Meeting of Legislature.—Condition of Country.—Monte Video.	244
<b>FRANCE.</b> —Vicissitudes in France.—Polignac Ministry.—Public Opinion.—La Fayette in Lyons.—Breton Association.—Parisian Cafes.—Pamphlets.—Journals.—Journalism.—Comite Directeur.—Jesuits.—State of the Question.—Meeting of the Chambers.—Character of Parties.	251
<b>FRANCE, CONTINUED.</b> —Meeting of the Chambers.—Speech of the King.—Address of the Deputies.—Prorogation.—Discussion.—Dissolution of the Chamber.—New Ministers.—Elections.—Algerine Expedition.—State of Algiers.—Cause of the War.—Preparation.—Landing in Africa.—Surrender of Algiers.—Colonization of Africa.	285
<b>FRANCE, CONTINUED.</b> —Consequences of the fall of Algiers.—Ministerial arrangements.—State of Parties.—The Ordinances.—Their effect.—Protest of Journalists.—State of the Question.—Protest of the Deputies.—Police arrangements.	307
<b>FRANCE, CONTINUED.</b> —The Three Days.—Military arrangements.—Marmont.—The Garrison.—Dispersion of the People.—Night of Tuesday.—The Citizens' Arm on Wednesday.—Marmont's Plans.—Deputation of the Citizens.—Movements of the Troops.—Conflict at the Hotel de Ville.—Retreat of the Troops.—Their conduct.—Barricades, Thursday.—The Polytechnic School.—Position of the Garrison.—Combats.—Capture of the Louvre.—Evacuation of the Tuileries and of Paris.—Conduct of the People.—Their Losses.	323
<b>FRANCE, CONTINUED.</b> —Provisional Government of Thursday.—La Fayette.—Proposal of the King.—The Duc d'Orleans made Lieutenant General.—State of Paris.—Expulsion of the Bourbons.—Remarks.	357
<b>FRANCE, CONCLUDED.</b> —Proceedings of the Chambers.—The new Charter.—Duc d'Orleans King.—Settlement of the Government.—Conclusion.	390
<b>NETHERLANDS.</b> —Opposition of the Allies to Republican Governments.—Kingdom of the Netherlands.—The creation of the Congress of Vienna.—United Provinces, Islands, &c. of German origin.—Walloon of the Gallic race.—Contents of the fifth century between the Saxons and Saxons.—Conversion of Witikend to Christianity.—Conquest of the Country by Charlemagne.—Corporate Trades.—Charles, the great-grandfather of Charles Fifth.—Marriage of his daughter with Maximilian of Austria.—Connexion with Ferdinand and Isabella.—Charles Fifth.—Reformation.—Inquisition.—Philip.—William of Japan.—The obnoxious Minister Granville.—Gueux or Beggars, the title of the opposers of Government.—Division between the Protestants and Catholics.—Union of the Seven United Provinces.—Power of the Dutch in the Seventeenth and Eighteenth Centuries.—Conquests in the East and West Indies.—French Revolution.—Batavian Republic.—Kingdom of Holland.—French Province.—Belgium annexed to France.—Revolution of 1813.—Restoration of House of Nassau.—Constitution.—Belgium united with Holland.—Assembly of Notables.—Amended Constitution.—Public Debt.—Situation of the Netherlands as to Foreign Powers.—Internal disputes from the Catholic Religion and Education.—Free Trade and Restriction.—Ordinances as to Language.—Budget.—M. de Potter, His Trial.—Session of 1829.—Ministerial Responsibility.—Law on the Press.—Revolution of 26th August, 1830.—Demands of the Belgians.—Meeting of the States General, 12th September, 1830.—King's Speech.—Provisional Government at Brussels.—Attack of Prince Frederick.—Recognition of the Belgians by the Prince of Orange.—Return of M. de Potter to Brussels.—Character of King William.	395
<b>THE PENINSULA.</b> —Spain.—Rumors.—Queen's Death.—Public expectations.—Arrival of the new Queen.—Law of Succession.—Portugal.	414
<b>ENGLAND.</b> —Retrospective view of the settlement of the Catholic Question in 1829.—Its consequences.—Its essential connexion with other projects of Reform.—Meeting of Parliament, February, 1830.—Debates on the Addresses.—Universal Distress of the Country.—Amendments to the Addresses, proposed; rejected.—Amendment of Lord King.—Reduction and substitution of Taxes.—Parliamentary Reform.—Affairs of India.—Foreign Affairs.—Greece.—Portugal.—Death of George IV.—Notices of his Life and Character.—Accession of William IV.—Notices of his previous Life.—Dissolution of Parliament.—Meeting of the new	

# CONTENTS.

v

	Page.
Parliament.—Declaration of the Duke of Wellington against Parliamentary Reform.—Threatened Riots in London.—Postponement of the Banquet on Lord Mayor's day.—Civil List.—Motion for inquiry carried against the Ministers.—They Resign.—New Ministry.—Earl Grey Premier.—Reform.—Riots and Disturbances in the Country.	419

## APPENDIX.

Executive Officers of the United States,	i.
Judiciary,	i
Diplomatic Corps,	ii
Army Promotions,	ii
Navy Promotions,	iv
Members of the 21st Congress,	v
Governors of States,	vii
Census of 1830,	viii
Duties received in 1829	ix
Public Debt of the United States,	x
Custom-house Returns,	xi
Treasury Returns,	xvii
Sales of Public Lands for 1829,	xviii
Expenditures of United States for 1829,	xx
Imports and Exports from 1821 to 1829,	xxiv
Commerce of each State and Territory, for 1828-9,	xxv
Statistical View of the Commerce of the United States for the year ending September 30, 1829,	xxvi
Condensed View of the Tonnage of the several Districts of the United States on the 31st December, 1828,	xxviii
Abstract of the Tonnage of the Shipping of the several Districts of the United States on the 31st December, 1828,	xxx
Quantities of American and Foreign Tonnage entered into, and departing from, each District of the United States during the year ending Sept. 30, 1829,	xxxiii
Recapitulation of the Tonnage of the United States for the year 1828,	xxxiv
Summary statement of Merchandise imported into the United States, in American and Foreign vessels from Oct. 1, 1828 to Sept. 30, 1829,	xxxv
Summary statement of the value of the Exports of the Growth, Produce and Manufacture of the United States, during the year ending on the 30th September, 1829,	xliv
Statement showing the whole amount of Indian Annuities now payable under treaty provisions; date of the acts of appropriation; names of tribes to whom payable; the sums which are permanent, and those which are limited, and the terms of limitation,	xlvi

## LOCAL HISTORY AND DOMESTIC OCCURRENCES.

Maine,	li
New Hampshire,	liii
Vermont,	liv
Massachusetts,	lv
Rhode Island,	lix
Connecticut,	lx
New York,	lxii
New Jersey,	lxxxii
Pennsylvania,	lxxxv
Delaware,	xc
Maryland,	xcii
Virginia,	xcv
North Carolina,	c
South Carolina,	civ
Georgia,	cvii
Alabama,	cxii
Mississippi,	cxiv
Louisiana,	cxv
Tennessee,	cxvii
Kentucky,	cxx
Ohio,	cxxii
Indiana,	cxxxi
Illinois,	cxixi
Missouri	cxixii

## PUBLIC DOCUMENTS.

	Page.
Message from the President of the United States to the Twentyfirst Congress, First Session,	1
Message from the President rejecting the Maysville and Lexington Road Bill,	22
Treaty between the United States and Brazil,	33
Treaty between the United States and Prussia,	43
Convention between the United States and Denmark,	49
Correspondence in relation to the Trade between the United States and British Colonies,	52
Proclamation of President of the United States opening the Ports	114
Circular to the Collectors of Customs,	116
Correspondence in relation to opening the Ports,	117
Order in Council opening the Ports,	120
Present and proposed Import Duties in the American Colonies,	122
Documents concerning the relations between the United States and the Creek and Cherokee Indians.	123
Message of President Guerrero to the Mexican Congress,	146
Proclamation of do. abolishing Slavery,	147
Decree of the General Congress in relation to Imposts,	147
Proclamation of the Liberator to the Colombians,	149
Message of do. to the Constituent Congress,	150
Proclamation of General Paez to the Venezuelians,	155
New Colombian Tariff,	156
Speech of the Emperor of Brazil on the opening of the General Assembly,	158
Decree of the Banda Oriental at Montevideo, relative to the Tariff,	159
Speech of the King of Great Britain to Parliament.	161
Speech of the Governor of Upper Canada to the Provincial Legislature,	163
Do. of Governor of Lower Canada.	165
Speech of King of France to the Chambers,	167
Address of the Chamber of Peers to the King,	169
Address of the Chamber of Deputies,	171
Proclamation of King of France,	173
Report of the French Ministers to the king,	174
Decrees of the King,	180
Protest of the Deputies,	184
Proclamation of the French Deputies,	185
Proclamation of the Duc d'Orleans,	186
Ordinances of the Lieutenant General of France,	186
Proclamation of the King of the Netherlands,	187
Speech of do. to the States General.	188
Abstract of the Treaties which constructed the Kingdom of the Netherlands,	190
Greek Protocol,	193
Memoir of the Greek Senate,	196
Resignation of Prince Leopold,	201

## ACTS OF THE TWENTYFIRST CONGRESS, FIRST SESSION.

204-237

## LAW CASES.

James Jackson ex. dem Harman v. Hart. vs. Elias Lamphire—Constitutional Question,	239
Hiram Craig et. al. vs. the State of Missouri—Constitutional Question,	241
John Souldard, widow and others, appellants vs. the United States, do.	260
The Providence Bank vs. Billings and Pitman,	261

## OBITUARY.

Sir David Baird,	265
Bushrod Washington,	267
Queen of Portugal,	269
Sir Thomas Lawrence,	269
George Tierney,	270
William Tudor,	271
Marquis de Lally Tollendal,	273

## ERRATA,

275



# AMERICAN ANNUAL REGISTER,

FOR

THE YEARS 1829—1830.

HISTORY OF THE UNITED STATES.

## CHAPTER I.

*Inauguration of General Jackson. — State of Affairs. — Political Principles of President. — New Cabinet. — Removals. — Opposition in Senate. — Post Office Department. — Dissensions in the Cabinet. — Controversy between the President and Vice President. — Cause and Consequence thereof.*

ON the 4th of March, 1829, in the presence of the Senate, the members of the House of Representatives and a vast concourse of people, General Andrew Jackson took the oath of office and entered upon the administration of the government of the United States.

A long train of fortunate events had prepared his way for a happy and prosperous career in his new character as a Civil Magistrate. His military success at a peculiar crisis had given him a strong claim upon the country, and the energy, decision and self-devotion manifested in various trying emergencies had obtained for him a large share of the public confidence.

Nor was the aspect of the political atmosphere less propitious. The administration of his predecessor had been arrested by the popular will in the midst of its career, before the merits or demerits of its policy had been fully tested, and with so decided an expression of public feeling against its continuance, as to leave its members no ability and apparently little inclination to offer an early opposition to the new Executive. The community was tired of political warfare, and a general disposition was evinced to give the measures of the administration a fair trial. Some uncertainty of course existed as to the policy which the new President



might feel bound to adopt. His political experience had not been great, and the inferences which the public had drawn as to his principles from his declarations and votes when in the federal Senate, had been rendered somewhat uncertain by the contradictory assertions made by his supporters in different sections of the Union and by the decided political character of that portion of his adherents, who had been ranked in the previous contest among the friends of the late Secretary of the Treasury (Mr Crawford). That class of public men was regarded as contending for a strict, or what was denominated a narrow, construction of the Federal Constitution, and their support was given to him upon principles of opposition to the policy that governed the administration of Mr Monroe. All the other candidates in that contest were sustained upon a contrary principle. The construction given to the Federal Constitution, by which Congress was deemed to be empowered to protect domestic manufactures, to appropriate moneys for works of internal improvement, to create an United States Bank, and generally to regulate and control all affairs strictly national, had become the settled policy of the country. Strong objections were still urged to this construction, by the Representatives from the Southern States, and by some of the leading friends of Mr Crawford in other sections of the Union. But it had been too long and too generally acquiesced in to permit the hope of a successful appeal to public opinion in behalf of can-

didates offered upon principles of opposition to that construction. All the candidates consequently were understood to be in favor of that construction. Mr Calhoun was an early and ardent advocate of that principle, and had efficiently contributed when in Congress and also while in the Cabinet to the adoption of the principal measures, which had provoked the hostility of those who contended for a literal construction of the Constitution. Mr Clay had long been distinguished as the eloquent and uncompromising supporter of the American System, a system whose characteristic features were the protection of domestic industry and a liberal application of the public treasure to purposes of internal improvement. Mr Adams at an early period of his political life had manifested his attachment to the cause of internal improvement, and he made no secret of his opinions concerning the powers of Congress in all matters of national concern.— General Jackson had not occupied so conspicuous a station in political life; but while in the United States Senate he had been no less decided in his opinions on the long disputed question as to the constructive powers of Congress. During his short term of service the following bills providing for internal improvement came under consideration: 1st. A Bill authorizing a road from Memphis in Tennessee to Little Rock in Arkansas. 2d. A Bill for making certain roads in Florida. 3d. A Bill to procure necessary surveys for roads and canals. 4th. A Bill to improve the navigation of the Mis-

Mississippi, Ohio and Missouri. 5th. A Bill for making a road in Missouri. 6th. A Bill to subscribe to the stock in the Chesapeake and Delaware Canal Company. 7th. A Bill to extend the Cumberland road to Zanesville. 8th. A Bill authorizing a subscription to the Portland and Louisville Canal Company. On the passage of all these bills, General Jackson's name was recorded in the affirmative; and his vote in favor of the tariff of 1824, a tariff which was founded on the principle of protection, afforded sufficient evidence that his opinions accorded rather with those of Mr Adams, Clay and Calhoun, than with those of the supporters of Mr Crawford.

In the presidential contest of 1824, therefore, the friends of the Secretary of the Treasury stood alone in the attitude of opposition to the established policy of the country. The supporters of the other candidates indeed had their personal preferences, but in point of principle there was no essential difference between them. At an early period of the canvass the Secretary of War (Mr Calhoun) was withdrawn by his friends in Pennsylvania, who, yielding to the popular feeling of the State, fell in to the support of General Jackson. This example was followed by his adherents throughout the Union with some few exceptions, and they mainly contributed to the sudden and rapid augmentation of the strength of General Jackson during that canvass.

In this transfer of support, however, no sacrifice of principle was supposed to have been made. It

was merely relinquishing a personal preference under the pressure of circumstances, and the election of General Jackson, equally with that of Mr Adams, would then have been regarded as a pledge to the country of the continuance of the policy of the preceding administration. Mr Clay's principles were similar; but from the ardor of his character, his fearless disregard of consequences and his avowed opinions in behalf of the American System, and on the subject of South American independence, apprehensions were entertained that he would not sacrifice enough to expediency, but would follow those opinions out to their legitimate consequences. Hence it was obvious that no sacrifice of principle was involved in the support, indifferently, of any of these candidates who stood on a common ground of policy. Mr Crawford alone was supported upon opposite principles, and as it was manifest that in such a contest his weakness would be evinced, an attempt was made to represent him as the only orthodox republican candidate, and to nominate him as such to the suffrages of the nation through a caucus of the members of Congress assembled at Washington. The attempt totally failed. It was regarded by a great majority of the people as an unauthorized interference with their constitutional privileges, and it terminated in the caucus candidate's being brought by the votes of Virginia and Georgia and a few scattered votes from New York and Delaware, into the House of Representatives as the

lowest of the three candidates, from which the President was to be chosen. Here the choice fell upon Mr Adams, and from the moment of his election the partisans of the unsuccessful candidates united in opposition, either avowed or secret, to his administration. Those who had originally advocated the claims of General Jackson found a sufficient motive to opposition in the defeat of their favorite, whose election they asserted was demanded by the people. That reason however could not be urged by the friends of the caucus candidate, who had been zealously sustained to the last, in spite of ill health, although the result in the electoral colleges had demonstrated that he had but a slight hold upon the public favor. Indeed the entire failure of this party in their election plainly indicated the unpopularity of its political creed, and at the commencement of Mr Adams' administration it held itself aloof and apparently uncommitted as to its future course. The candidate who was boldly taken up as the opposition candidate, had evinced as latitudinarian sentiments concerning the powers of Congress as his successful rival, and to come in to his support would be to abjure those political doctrines which were deemed so essential to the independence of the States.

The political principles of the party already organized, therefore, were as heterodox as those of the existing Cabinet, and any combination which might take place must be founded upon the sacrifice of principle by one of the

sections of the opposition. This discordance in its materials prevented any harmonious concert of action at the first session of the nineteenth Congress; but during the vacation and the succeeding session, great efforts were made to promote a closer union between the different sections of the opposition, and before the adjournment it had assumed a consistent shape. The first public intimation of this union was given by a leading opposition member from Virginia, who shortly before the close of the second session of the 19th Congress, announced, that the combination for effecting the election of General Jackson were nearly completed. Shortly before this public declaration, an intimation almost equally distinct of future opposition, was given by one of the most prominent leaders of the caucus party in a letter to the Legislature of New York, expressing his acknowledgments for his re-election to the federal Senate. In this letter he promises zealously to exert himself to protect the remaining rights reserved to the States and to restore those of which they had been divested by construction.

Other indications, which could not be mistaken, were given of the intention of the caucus party to join the opposition, and that one of the main grounds of opposition would be, that certain powers which the Federal Government had habitually exercised were unauthorized by the Constitution and that they ought no longer to be submitted to. It had been a favorite doctrine of the Virginia

school of politics, that the powers of the General Government had been extended beyond their constitutional limits, and the dispute between the federal authorities and those of Georgia in relation to the Creek treaty, had rendered it convenient for that State to contend most earnestly for the same construction of the Constitution. A most intimate connexion had been cultivated between the politicians of this school and the leading supporters of Mr Crawford in New York, who inclined to the same construction of the Constitution, and who were not much behind their southern coadjutors in declaring their determination to favor the election of General Jackson. This determination of the opposition to combine in his support, induced much speculation as to the nature of the pledges, which were said to have been given as to his political course, and it was boldly predicted, that an opposition so constituted, could not continue united after the government should fall into its hands, without a complete sacrifice of principle by one of the sections of the combined party.

The President would of course be compelled to adopt the literal construction of the Constitution or to pursue the policy marked out by his predecessors. During the pendency of the election, the public might be left in doubt. Such as were inclined to promote his elevation in the North and West could justify their preference, by appealing to his votes when in the Senate in favor of the Tariff and Internal improvement; while his supporters in the South

could be equally zealous, either relying upon a more intimate acquaintance with his opinions, or upon those measures which his character as a candidate, sustained upon the principle of reform, should compel him to adopt in case of success. But after his inauguration he must decide between these conflicting pretensions, and this decision would compel those to whom that decision should prove unpalatable to decide in their turn between the abandonment of their political party or their principles. This very position properly viewed was but another of the fortunate circumstances in which the successful competitor for the Chief Magistracy found himself placed at the time of his elevation. Chosen by an unparalleled majority of the electoral votes, he owed his success to his own popularity. Generally sanctioning the policy under which our national institutions had been built up, he was at liberty to review his opinions and to establish them upon incontrovertible and immutable grounds. His administration was not bound to persist in any particular measures which experience had proved to be inexpedient; but claiming as it did to be constituted upon the basis of reform, it was able to modify the existing policy, and to carry out its principles under all the advantages offered by the lights of experience and the development of public opinion. Equally uncommitted was he respecting the parties, which had formerly distracted the country. His advice to Mr Monroe in 1816 to

discard all party feelings, and to remember, that as Chief Magistrate he acted for the whole, and not for a part of the community, — sentiments which did equal honor to his head and his heart, and which he reiterated as his settled opinion in 1824, left him free to call to his councils the ablest and most virtuous men of the nation, without regard to the party denominations by which they had been previously distinguished. Under these fortunate circumstances General Jackson assumed the Executive Government on the fourth of March, 1829, with a surplus of more than five millions of dollars in the national treasury, the country respected abroad, at peace with all the world, and in a state of unexampled and progressive domestic prosperity.

After taking the oath of office he delivered according to the custom of his predecessors an inaugural address setting forth the principles upon which he intended to administer the government. That address is as follows : —

‘FELLOW CITIZENS : About to undertake the arduous duties that I have been appointed to perform, by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities

to their service and their good. As the instrument of the Federal Constitution, it will devolve on me, for a stated period, to execute the laws of the United States; to superintend their foreign and their confederate relations; to manage their revenue; to command their forces; and, by communications to the Legislature, to watch over, and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties, it is now proper for me briefly to explain.

‘In administering the laws of Congress, I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office, without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship, on fair and honorable terms; and in the adjustment of any differences that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

‘In such measures as I may be called on to pursue, in regard to the rights of the separate States, I hope to be animated by a proper respect for those sovereign members of our Union; taking care not to confound the powers they have reserved to themselves with those they have granted to the confederacy.

‘The management of the public revenue — that searching operation in all Governments — is among the most delicate and im-

portant trusts in ours; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the National Debt—the unnecessary duration of which is incompatible with real independence—and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end, are to be found in the regulations provided by the wisdom of Congress, for the specific appropriation of public money, and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost, with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise, in which the Constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favored; and that, perhaps, the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal Improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance.

Considering standing armies as dangerous to free governments, in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience, which teaches that the military should be held subordinate to the civil power. The gradual increase of our Navy, whose flag has displayed, in distant climes, our skill in navigation, and our fame in arms; the preservation of our forts, arsenals, and dock yards, and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention, sooner than for enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience, and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable *ægis*. Partial injuries, and occasional mortifications, we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power.

It will be my sincere and con-

stant desire to observe towards the Indian tribes within our limits, a just and liberal policy ; and to give that humane and considerate attention to their rights and their wants, which are consistent with the habits of our government, and the feelings of our people.

‘The recent demonstration of public sentiment inscribes, on the list of Executive duties, in characters too legible to be overlooked, the task of *reform* ; which will require, particularly, the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed, or continued power in, unfaithful or incompetent hands.

‘In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will insure, in their respective stations, able and faithful co-operation, depending for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

‘A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded, and the mind that reformed, our system. The same diffidence induces me to hope for instruction and aid from the co-ordinate branches of the Government, and for the indulgence and support of my fellow citizens generally.

And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that he will continue to make our beloved country the object of his divine care and gracious benediction.’

The Senate which had been summoned by his predecessor (Mr Adams) to meet on the fourth of March after attending the inauguration, adjourned to the next day for the purpose of transacting such business as might be laid before it. In selecting the members of his Cabinet, General Jackson was compelled to afford some indications as to his future course, and no small anxiety was evinced to discover upon whom his chance might fall. So much had been said as to the ability of the confidential advisers he would call around him, and so many men of undoubted talents were to be found among his supporters, that it was generally anticipated, that his Cabinet would not be inferior to the ablest of his predecessors. All speculations, however, were now to be brought to the test of fact, and the political character of his Cabinet as well as the talent and experience of his future advisers were no longer matter of doubt, when the following names were nominated to the Senate —

MARTIN VAN BUREN, Secretary of State.

SAMUEL D. INGHAM, Secretary of the Treasury.

**JOHN H. EATON**, Secretary of War.

**JOHN BRANCH**, Secretary of the Navy.

**JOHN MCPHERSON BERRIEN**, Attorney General.

The Secretary of State had been a leading supporter of Mr Crawford, and had been distinguished among that class of politicians, both for activity and controlling influence. After he had determined upon supporting the election of General Jackson, he was equally efficient in promoting his views, and from his political influence and services, as well as on account of the importance and power of the State to which he belonged, it was generally expected, that his claims would not be overlooked in the formation of the Cabinet.

Mr Van Buren was a self-made man, and had by perseverance and the exercise of no ordinary talents, combined with great tact and self-possession, raised himself to a high rank among the public men of the country. The evidence of his qualifications for this station was found rather in his skill as a political leader, than in his attainments as a statesman, or in the exhibition of profound and enlarged views of national policy. For his advancement in public life he had depended upon the discipline of party, in concentrating the suffrages of the many by the skilful management of a few, rather than upon the development of bold and comprehensive schemes of policy, or by the frank exposition of his views concerning the Constitution and the questions which agitated the country. The Attorney Ge-

neral, unlike his coadjutor, had not always belonged to the school of politicians contending for a strict construction of the Constitution. He however possessed more varied attainments and was fully qualified by his learning and eloquence for the station to which he was elevated.

The other members of the Cabinet had not been particularly distinguished either for their public services or talents. Mr Eaton was indebted for his elevation solely to the friendship of the President and to the confidential relations subsisting between them: Mr Ingham was selected through the influence of the Vice President and because he had been an active partisan in Pennsylvania, the State which brought General Jackson forward as a candidate, and to whose support he owed his success: the public in vain sought for the reason which influenced the choice of the Secretary of the Navy, and a general opinion prevailed, that in the selection of his confidential advisers the President had not gratified the expectations of the country. Either from a conviction of this fact or from a desire to impart to the Post Office department greater political efficiency, it was determined to introduce the Post-master General into the Cabinet. The old Post-master General (John McLean) had refused to make his department an engine to subserve party purposes, and it was deemed necessary to remove him to the bench of the Supreme Court, and to fill his place with William J. Barry, one of the leaders of the relief party in Kentucky.

The Cabinet was now constitut-



ed, and after confirming the nomination of some active partisans to diplomatic posts and to lucrative stations in the land office, custom house and navy, the Senate adjourned on the 17th of March, the Executive having informed that body that he had no further business to lay before it. The promised work of reform now commenced in good earnest. Before the inauguration, the capital had been thronged with political partisans chiefly from the Eastern, Western, and Middle States, all clamorous for some reward for their electioneering services during the canvass. It had been distinctly avowed by the most prominent organs of the successful party, that the President would be urged to reward his friends and punish his enemies; and it was expected that he would make a prompt and general removal of his opponents from office, and by the appointment of his friends secure the ascendancy of his party. This expectation was not destined to the disappointment which attended that concerning the character of his Cabinet. Scarcely had the Senate adjourned, when a general system of removal from office was entered upon with the view of rewarding those political partisans, who had been instrumental in promoting his election. Never before had

so total a change been made in the public offices. Formerly it had been confined to those prominent places, which constitute the stakes for which the game of politics is so often played. The revolution extended farther now, and men too humble to be claimed by any party, were removed from situations upon which they depended for a livelihood to make room for a set of clamorous partisans. Availing himself of the right of the Executive to fill vacancies occurring in the recess, the President shortly after the adjournment of the Senate, removed the principal officers of the treasury, the Marshals and District Attorneys in most of the Eastern, Middle and Western States, the revenue officers of the chief Atlantic ports, the greater part of the receivers and registers in the land office and effected an equally radical change in the diplomatic corps.\*

As these removals were invariably made to make room for political adherents; and as with some exceptions no act of official delinquency was proved against the former incumbents, the conduct of the Executive was subjected to severe animadversions. He was charged with usurping an authority not conferred by the Constitution, which it was contended only gave him the right to fill vacancies either

\* Appointments made during the recess. — Ministers plenipotentiary to Great Britain, France, Netherlands, Spain: Charge d'Affairs — Mexico, Peru: Secretaries of Legation — Great Britain, France, Netherlands, Columbia: Marshals and District Attorneys, in Pennsylvania, Ohio, Illinois, New Jersey, Louisiana, Kentucky, Virginia, Tennessee, and Missouri: District Attorneys — New Hampshire, Connecticut, New York, Virginia, Alabama, Indiana, Florida: Collectors, Surveyors, Naval Officers and Appraisers — Maine 3, New Hampshire 1, Massachusetts 9, Vermont 1, Connecticut 1, New York 11, New Jersey 1, Pennsylvania 2, Delaware 1, Maryland 3, District of Columbia 2, Virginia 1, North Carolina 2, Louisiana 4, Western States and territories 6: Receivers and Registers in Western land offices 26: Consuls 21: In the Departments at Washington 46.

accidentally occurring, or caused by some official misconduct; and even if acting within the limits of his constitutional prerogative, it was a proscription for opinion's sake contrary to the spirit of our institutions and without a precedent in the history of the country.\* The officers removed were experienced and faithful, and much was justly and forcibly urged against making the public offices the prize of party contests, and thus augmenting party violence and stimulating the cupidity of political adventurers by rewards distributed without any criterion, except the inscrupulous manner in which the candidates had promoted the views of their party. On the other hand it was contended, that the Executive was solely invested with the right of removal, that it was a discretionary right, for the exercise of which he was responsible solely to the nation, that that power was given to enable him not only to remove incumbents for delinquency or incapacity, but with the view of reforming the administration of the government and introducing officers of greater efficiency or sounder principles into its various departments. Occasion was also taken, owing to the defalcation of a few of those removed, to assert the necessity of reform, and un-

sparing efforts were made to create an impression on the public mind of the necessity of a general removal of the officers of the Federal Government.

Some abuses no doubt existed, and one instance of fraud and defalcation on the part of an auditor high in the confidence of the late administration, gave a temporary popularity to this policy; but when it was discovered, after a vigorous scrutiny, that defalcations to the amount of a few thousand dollars only were detected, and that in no instance were these fastened upon officers appointed by the immediate predecessor of General Jackson, a reaction took place in the public feeling, and doubts began to arise, whether the country might not lose as much by the inexperience of the new officers, whose fidelity was yet to be subjected to the test of experience, as by the defalcations of some of the old. A still heavier and better founded objection to this reform was found in the private character of some of the new incumbents; and the Senate was called upon to rescue the country from the disgrace of having its business committed to men, whose conduct had awakened alike the indignation of the community and the censure of its laws.

This manner of distributing the

\* During General Washington's Administration of eight years, there were nine removals; of these one was a defaulter.

In John Adams' Administration of four years, there were ten removals; one of these was a defaulter.

In Thomas Jefferson's of eight years, there were thirtynine.

In James Madison's of eight years, there were five removals; of which three were defaulters.

In James Monroe's, of eight years, there were nine removals. Of these one was for dealing in slaves (Guinea), two for failures, one for insanity, one for misconduct, and one for quarrels with a foreign Government.

In John Quincy Adams', there were two removals; both for cause.

executive patronage was also strongly contrasted with the professions of General Jackson shortly before the election. He had then earnestly inculcated the propriety of a Chief Magistrate acting for the good of the whole and not a part of the community, and devoting himself to exterminate party spirit; and among the most reprehensible modes of bestowing appointments, he had designated that of conferring offices on members of Congress. He regarded this as aiming so directly at the independence and purity of the legislature, that he proposed an amendment to the Constitution, prohibiting the appointment of members of Congress to any office except judicial, during the term for which they were elected and two years thereafter. It was therefore cause of just and general surprise to find him within the first year of his administration conferring a greater number of offices upon members of Congress, than any of his predecessors had done during their whole term of service.

As the members appointed had been actively engaged in promoting his election, he was not only accused of inconsistency, but of carrying into practice that system of corruption which he had depicted as the probable consequence of that mode of bestowing offices.

The numerous appointments bestowed upon editors of violent political journals were also severely criticised. It was denominated an attempt upon the purity of the

periodical press, and when systematized it would directly tend to augment the violence of party disputes and to corrupt the fountain of political intelligence, by holding up public office to editors as a reward for electioneering services.

The general change which took place in the Post Office department gave additional dissatisfaction to the moderate men of the country. Under the superintendence of Mr McLean this department had been distinguished for its efficiency and order, and as its functions operated directly upon the private business of individuals, that officer had acquired great and deserved popularity from the manner in which its duties were discharged. He had himself been favorable to the election of General Jackson, and his continuance in an office of so much influence and patronage had been deemed an instance of magnanimity on the part of Mr Adams, and a proof of his determination not to use the patronage of the government for party purposes.

The removal of that officer and the introduction of his successor into the Cabinet were regarded as indications of an intention to introduce the same proscriptive system into the Post Office, and the numerous removals, which took place shortly after his appointment verified the apprehensions of the community.\* In this state of public feeling the 21st Congress assembled, and it was easily foreseen that the appoint-

\* By the report of the Post-Master General, in answer to a resolution of the Senate, it appeared that he had removed between the 4th of March, 1829, and the 22d of March, 1830, 491 post-masters, viz: In Maine fifteen, New Hampshire fifty-five, Vermont twenty-two, Massachusetts twenty-eight, Rhode Island three, Connecticut twenty, New York one hundred and thirty one, New Jersey fourteen, Pennsylvania

ments made during the recess were destined to meet with opposition, although it was supposed that the decided majority of the administration party in the Senate would prevent it from being effectual. The Senate however was not at once put to the test. The President allowed a month to elapse after it assembled, before he submitted any of the appointments made during the recess, and more than two months of the Session had expired before all those appointments were submitted for confirmation. This delay, which was attributed to the disagreement that already prevailed between the friends of the Vice President and of the Secretary of State, although it tended to consolidate the strength of the administration, did not produce a general confirmation of the appointments.

A warm opposition was instituted to the whole course of the Executive in relation to removals — 1st, on the ground of their unconstitutionality, and 2d, on that of inexpediency. The opposition

failed on both points; and on the first it can hardly be doubted that it was unsound in principle. The expediency of the reform itself was a subject of greater difference of opinion; and whatever might have been urged on the one side in favor of rotation in office and a thorough reformation of abuses, and on the other in favor of the experience of the old incumbents and against deranging the whole business and policy of the Government by committing it to the hands of new and untried agents, it could not be disputed, that the President, in selecting the successors to those removed, had been guided by personal predilections and a wish to reward electioneering services, rather than by a regard for the public good. The consequence was, that the Senate felt itself constrained by a sense of public duty to reject many of the appointments made during the recess, and in some instances the vote rejecting them was so large as to convey a strong censure upon the selection of the President.\*

thirtyfive, Delaware sixteen, Maryland fourteen, District of Columbia one, Virginia eight, North Carolina four, Georgia two, Alabama two, Mississippi five, Louisiana four, Tennessee twelve, Kentucky sixteen, Ohio fifteen, Indiana nineteen, Illinois three, Missouri seven, Florida one, Arkansas two, and Michigan one.

\* Henry Lee, Consul to Algiers, and James B. Gardner, Register of Land Office, rejected unanimously.

John P. Decatur, Collector at Portsmouth, . . . . .	Neg. 43. Aff. 1.
Moses Dawson, Receiver of Public Moneys, . . . . .	" 42. " 5.
Samuel Cushman, District Attorney for New Hampshire, . . . . .	" 36. " 9.
Isaac Hill, 2d Comptroller of the Treasury, . . . . .	" 33. " 15.
Samuel Herricks, District Attorney for Ohio, . . . . .	" 23. " 22.
Samuel McRoberts, District Attorney for Illinois, . . . . .	" 21. " 20.
Wharton Rector, Indian Agent, . . . . .	" 23. " 21.
M. M. Noah, Surveyor at New York, . . . . .	" 25 " 23.

Samuel McRoberts was confirmed upon re-consideration, aff. 24, neg. 22, and W. Rector and M. M. Noah were again re-nominated to the Senate, by which W. R. was again rejected, 21 neg. and 20 aff. and M. M. Noah was confirmed by the casting vote of the Vice President, 22 aff. 22 neg. Holmes, Marks and Tazewell, who before voted in the negative and Hayne, who voted in the affirmative, being absent.

The removals in the post office were still more general, and when to these were added the changes made from time to time in those offices, where the commissions expired, they constituted a reform which could scarcely have been more complete had a revolution taken place in the government itself, instead of a change in the persons administering it. The decided manner in which the dominant party proceeded to appropriate all the offices of honor and profit under the government of the United States, was by no means an indication of any harmonious feeling prevailing among its leaders. The necessity which had kept its different sections together while in opposition, no longer existed, and its discordant materials began to obey their several principles of action and to range themselves under the standards of the rival chieftains, who had, by combining, achieved the overthrow of the late administration. Strong and incessant efforts had been made from the commencement of the administration by the respective partisans of the Vice President and of the Secretary of State, to direct the Executive patronage to the aggrandizement of their own friends. A division of the party was early foreseen to be inevitable, but the personal predilections of the President, which would give great preponderance to the side he might espouse, were as yet unknown. In the formation of his Cabinet the first post had been given to Mr Van Buren himself; but this advantage was in some measure counterbalanced by the

appointment of Mr Ingham, a devoted friend of the Vice President, to the Treasury Department, the influence and patronage of which were much more direct and extensive than those of any other department of the Government. The other members of the Cabinet were not selected with reference to the views of either of the competitors for the succession to the Presidency; but upon grounds of personal preference on the part of the President. In fact the whole administration was formed as the organ of a personal party. It was not the representative of any specific principle, nor did it profess any particular system of national policy. The views of the Secretary of State and of the Secretary of the Navy concerning the policy and powers of the General Government, had not harmonized with those of the Secretaries of War and of the Treasury. The Attorney General had belonged to the old federal party, and the new Post-master General had not shown that his political principles necessarily inclined him to a narrow construction of the powers of the Federal Government. Upon the whole, however, the Cabinet was formed with an apparent preference of the political creed professed by the friends of the Vice President, rather than that of the radical party. The star of the Vice President was deemed to be in the ascendant, and it was generally believed that the influence of the Executive would be exerted to promote his elevation to the Presidential chair upon his own retirement. These

pinions, however, were not realized. While the patronage of the Executive was so directed as publicly to strengthen Mr Calhoun's political party by placing many of his friends in important posts, the ground on which he stood was crumbling beneath him, and measures were in vain to create a breach between him and the President. To him, as a more early and efficient supporter, the President had given a greater share of confidence and manifested a warmer feeling than he had originally bestowed upon the Secretary of State, whose support was rather a matter of necessity than of choice. In this particular the Secretary labored under a disadvantage; but circumstances soon enabled him to obtain a great superiority of influence over the mind of the President.

The Secretary of War had been brought into the Cabinet solely on account of the confidential relations and intimate friendship subsisting between him and the President, and of course was entitled to, and received, his entire confidence. Upon the arrival of the Secretary of State at Washington, he found a coolness existing between the Secretary of War and the Vice President, and a division in the Cabinet itself in consequence of some disagreement in their private relations; and it was instantly perceived that as the President had particularly interested himself in this matter, that the most direct road to his confidence was, by sustaining his view of this delicate subject. Whether the Secretary of State

was actuated by this motive, or regarding the lady in question as an injured woman, was desirous of doing her justice by affording her his countenance and support, certain it is, that he made signal efforts to facilitate her admission into society, and by the course he took ultimately rendered a pure question of morals and feeling, one having a direct political bearing, and pregnant with great political results. As the President warmly sympathized in the feelings and resentment of the Secretary of War on this point, the Secretaries of the Treasury and Navy, as the objects of that resentment, gradually lost his confidence, which was transferred to the Secretary of State, whose course both in public and private had so completely harmonized with the wishes of himself and his friend.

The loss of influence on the part of the Secretary of the Treasury had impaired the indirect power of Mr Calhoun, and the same cause had injured his own standing with the Executive. No open breach had however as yet taken place between them, and the Vice President and his friends in Congress continued to support the administration, some of whose most obnoxious appointments were carried by the casting vote of the Vice President as the President of the Senate. Affairs remained on this uncertain footing, until nearly the close of the first Session of the 21st Congress. At that time and after the greater part of the questionable nominations had been confirmed, a movement was made which ripened the misunder-

standing between the President and the Vice President into a complete alienation of feeling, and prepared the way for an open rupture. Before this event occurred, the influence of the controversy above alluded to, had effected a change in the political relations of some of the members of the Cabinet; and upon that question, the President, the Secretaries of State and of War, and the Post-master General were opposed to the Secretaries of the Treasury and Navy, and the Attorney General, and the division was understood to have no inconsiderable bearing upon other questions of greater importance.

This misunderstanding continued to increase, until finally an open rupture was produced. This quarrel however professedly originated in the view taken by Mr Calhoun of the conduct of General Jackson during the Seminole Campaign in 1818.

General Jackson had commanded the American troops in that war, and acting as he conceived in the execution of his orders, had invaded the territory of Florida then belonging to Spain, and occupied the forts and towns of Pensacola to which the Indians had fled for protection. The Spanish minister at Washington remonstrated, and in the discussions which took place in Mr Monroe's Cabinet respecting this transaction, Mr Calhoun as Secretary of War proposed, that a court of inquiry should be held on General Jackson's conduct, inasmuch as he had transcended his orders.

Mr Crawford, then Secretary of the Treasury, also advocated a course, which would have been

deemed a censure on General Jackson; but the Secretary of State (Mr Adams) conceding, that the orders from the War Department had been transcended, so forcibly vindicated the course of General Jackson upon principles of national law, that all proceedings against him were relinquished, and the Government determined in its discussions with Spain, to justify the invasion, while it delivered up the posts. This was done by an able reply from the Secretary of State to the complaints of the Spanish minister, in which the course of the American General was successfully vindicated.

The subject was afterwards agitated in Congress, and the friends of Mr Crawford in that body were particularly distinguished for their efforts to censure the conduct of General Jackson, which was denounced as arbitrary and contrary alike to the law of nations and the Constitution.

As might have been expected, General Jackson felt greatly aggrieved by this attack, and his resentment was roused both against Mr Crawford and Mr Clay, whose opinions on this subject were openly avowed in the debate on the Seminole war.

Towards Mr Adams, by whom he had been so ably and so uniformly defended, and towards Mr Calhoun, who had publicly sustained him notwithstanding his first impressions, he had until lately expressed the warmest feelings of gratitude. This harmonious footing, which was first disturbed by the controversy above-mentioned, was now destined to be totally destroyed.

Towards the close of the 1st

Session of the 21st Congress, and only two days after the confirmation of the nomination of Amos Kendall, (one of the obnoxious appointments of the Executive) by the casting vote of the Vice President, a letter from Mr Crawford to Mr Forsyth was placed in the hands of General Jackson by the agency of a particular friend of the Secretary of State then at Washington, accusing Mr Calhoun of having proposed a censure upon him for his conduct in the Seminole Campaign. This letter was transmitted to Mr Calhoun by the President, with an intimation, that it was so contrary to his impressions of the course he had supposed Mr Calhoun to have pursued, as to require some explanation. Mr Calhoun replied and showed, by referring to the correspondence between General Jackson and the Government in 1818, that he must have known Mr Calhoun's opinion to be that he had transcended his orders, and that his vindication had then been placed upon other and distinct grounds. Mr Calhoun then proceeded to inquire into the motives, which had led at this late period, to a renewal of this discussion, and avowed his belief that it had originated in a desire to detract from his influence with the President, and thus to destroy

his political standing with the friends of the administration. A long and protracted correspondence ensued, in which the late Secretary of the Treasury, Mr Crawford, and several of his confidential friends took part, and although the Secretary of State distinctly disclaimed all knowledge of the preliminary movements and all motive to detract from the political standing of the Vice President, still their respective claims upon the succession, his course in public and private, after being appointed Secretary of State, and the political relations of the agents, who appeared as the prime movers in this discreditable business, produced a general impression, that its sole object was to create a breach between the President and Vice President, with the view of destroying the influence of a formidable competitor for public favor.

The movement was successful, and a party which was formed upon the principle of overturning by a personal combination, an administration that refused to subvert the political views of its leaders, was divided, and resolved into its original elements by the personal jealousies and conflicting claims of the rival competitors for the succession.



## CHAPTER II.

*Situation of Country. — Claims upon France. — Origin of Claims. — Claims upon Denmark; Settlement of. — History of French Claims; Negotiations concerning same. — Brazil. — Negotiations with Turkey; Treaty. — Great Britain; Colonial Controversy; History of Dispute. — Policy of Great Britain; Of United States. — Law of 1818. — Of 1820. — Negotiation. — British Law of 1822. — Law of 1823. — American Ports opened. — British Law of 1825. — Colonial Ports closed. — Negotiations renewed. — Proceedings in Congress. — Concessions by United States. — American Ports opened. — Colonial Ports opened.*

THE foreign relations of the United States at the commencement of the new administration presented a peaceful and tranquil aspect.

Controversies had arisen with Great Britain in relation to the West India trade and concerning the boundary line between Maine and the British Provinces of Canada and New Brunswick; but this last question had been referred, by consent, to the decision of the King of the Netherlands, and after a long contest, the former had terminated in a suspension of all direct intercourse between the United States and the British Islands — both parties adhering to their respective principles as too important to be abandoned.

Claims, too, existed upon most of the Continental Powers for

spoliations of American commerce during the war consequent upon the French Revolution, committed with the double view of filling their own treasuries, and diminishing the resources of their enemies, by cutting off their trade with neutrals.

It had always been the favorite policy of powerful belligerents to narrow the limits of neutral commerce, by multiplying the pretexts of seizure and confiscation; but, during that war, this system was carried to an extent of which previous history had afforded no example, and was sought to be justified on peculiar principles. It was upon the wealth and resources of these United States that these measures were meant chiefly to operate, and it was the policy of that government that they were intended to control.

the grasping spirit of European monopoly attempted to impose new shackles, in place of the colonial fetters that had been shaken off, and displayed itself in continual efforts to cripple the commerce it could not prohibit, lessen the resources it was not suffered to appropriate, and arrest the growth of the prosperity it had no longer the power to crush. The first act in this series of aggressions was an exclusion from an extensive branch in the carrying trade, by a sudden revival, in a new form, and with a wider application of the rule of 1756. Our partial submission to this measure was followed by successive outrages by all the belligerent powers upon American commerce, and the persons of those engaged in it.\*

From Spain, one of the belligerent parties, satisfaction was obtained by the cession of Florida, and the claims of American citizens on that power to the amount of \$5,000,000 were liquidated and paid. There still exist, however, claims upon the Governments of France and other continental powers of Europe, formidable in their amount, and the settlement of which is of the highest importance to the national character.

The claim upon Denmark rests upon grounds different from those upon France and the dependent kingdoms of that power.

They grew out of a system of piratical privateering upon American commerce, which was coun-

tenanced by the Admiralty Courts of that kingdom.

Some vessels were captured for having French consular certificates on board; the Emperor Napoleon having notified the northern courts that his consuls in the United States would not issue any neutral certificates after the 22d of September, 1810, when, in fact, his order to his consuls was not received in the United States until the 13th of November following. Still, those vessels, having certificates of the French Consuls, issued previous to that period, were captured and condemned; and by this celebrated juggle between these courts, a large amount of property was seized. Other vessels were condemned as having accepted British convoy, a ground of condemnation that ought never to have been applied to those vessels which were compelled to accept, by superior force, of that protection which proved so fatal to them.

Negotiations were renewed under Mr Adams' administration, with the view of obtaining compensation for these claims, and Mr Wheaton, a gentleman of talent and learning, was selected as Minister to Denmark. After two years' residence, his exertions were crowned with success, and a treaty was formed, March 28th, 1830, by which the controversy was terminated; the Danish Government paying \$650,000, in full compensation of all claims arising from the illegal captures

\* The aggressions of England finally provoked a war between the two countries, and by a resort to that remedy, of course all claims for spoliation or illegal seizures were done away.

and confiscations of American vessels.

The claims upon France, however, are of a paramount character, on account of their magnitude, and of the nature of the considerations by which they are recommended to public attention.

In the year 1806, November 21st, the Emperor of France, on the alleged ground that England had infringed the rights of neutrals in blockading the coasts of France and Holland, and prohibiting them from carrying on the trade between the colonies and the belligerent mother countries, issued his celebrated Berlin Decree. By this decree the British Islands were declared to be in a state of blockade, and all correspondence with them was prohibited. Letters written in English were made liable to seizure; all trade in English merchandize was forbidden, and the goods made lawful prize. Vessels coming directly from England or her colonies, or having been there since the publication of the decree were prohibited from entering any French ports and any attempt to evade that regulation, by means of a false declaration, was punished by confiscation.

Under this decree a number of American vessels arriving in France after its promulgation, were seized, because they had put into England; being forced in by stress of weather, or sent in by English cruisers for examination. This seizure was unauthorized even by the decree itself, which imposed no other penalty on vessels coming from English ports,

than their compulsory departure from those of the continent, and limited the right to seize to the single case of an attempt to evade this provision by a false declaration.

At this time, too, the convention between France and the United States, of the 30th September, 1800, was in full force. By the 22d article of that convention, it was agreed that the established courts for prize causes should alone take cognizance of the vessels and property of American and French citizens, and that, when judgment should be pronounced against them, the sentence should mention the reasons of the decision.

It was accordingly provided in the Berlin decree, that the council of prizes at Paris should decide upon all questions arising under that decree. When these American vessels were seized, a question arose whether they were liable to seizure under that decree, on the ground, that they had not gone voluntarily but had been coerced into the ports of England.

The question was never submitted to the council of prizes; but, on the 4th of September, 1807, the director general of the customs issued a circular, giving the most rigorous construction to the decree, and a retrospective effect to his own decision, so as to extend it over all the American vessels which had been previously seized and were then waiting for trial. The injustice therefore of the condemnations which took place under this construction of the decree did not consist merely in their infringement of the law of nations,

but was heightened by their violation of the express terms of a treaty.

On the 11th of December, 1807, the Berlin decree was followed by the Milan decree, also in professed retaliation of the invasions of neutral rights by England. This decree provided that any ship, which should submit to be searched by an English vessel, or had been carried into England, or paid any duty to the English Government, should be adjudged to have forfeited the protection of its own Government, to have become English property, and to be good and lawful prize.

The British Islands were declared to be in a state of blockade, and all ships, of whatever nation, sailing from or to English ports, were declared to be lawful prize and liable to capture. This article was a new and further infraction of the convention of 1800, which was still in force. By the 12th and 14th articles of that convention the French Government had expressly stipulated that free ships should give freedom to the goods of an enemy, and that American vessels might pass and repass, freely, to and from the ports of the enemies of France, unless the same were 'actually blockaded, besieged or invested.' This decree, like that issued at Berlin, was nominally applicable to all neutral vessels: but the chief operation of both was upon American commerce.

It was soon made the pretext of the seizure and sale of a great number of American vessels and cargoes, the proceeds of which, without scruple, were applied to the service of the French govern-

ment. Orders were given to capture, and even to destroy, every American vessel bound to England or her dependences. Nor were the armed vessels of France slow or scrupulous in enforcing these orders. Numbers of American vessels were burnt at sea, without even the form of a trial, and condemned by no other sentence than the will of the captors. And this wanton violation of neutral rights was, in some instances, carried so far as to cause the destruction of American vessels bound from their own country, not to hostile but to neutral ports.

The violent and inimical spirit shown by both belligerents towards the commerce of the United States, at last induced the American Government to lay an embargo, for the purpose of withdrawing the property of its citizens from the grasp of their unprincipled policy. Even this measure, pacific as it was, had the effect of provoking further aggressions upon the remnant of its commerce, in the shape of a decree at Bayonne, April 17, 1808, ordering the seizure of all American vessels then in the ports of France, or which might afterwards arrive there, without any pretence except one, which was false in fact and in its spirit most offensive and insulting.

The pretence was, that an embargo having been laid by Congress, no American vessel could be lawfully abroad, and, consequently, that those which appeared as such, could have no title to the national character, but ought to be condemned as British property.

This most extraordinary claim on the part of the French Gov-

ernment,\* was met not only by proper remonstrances by the American minister, but by an explanation, showing that, at the time of laying the embargo, there were many American vessels abroad, which were ordered by their owners not to return to the United States until that law should be repealed. — The operation of the embargo on the commercial and agricultural interests of the country, finally induced Congress to repeal the law in respect to all countries, except England and France, and the non-intercourse system was adopted in its stead. By that system, all English and French vessels and merchandize were excluded from American ports, until they had revoked or so modified their hostile decrees, as to exempt our commerce from their destructive operation. In that event, the commercial intercourse of the United States was to be renewed with that belligerent, which should thus evince its disposition to return to the observance of the rights of friendly nations.

On the 29th of April, 1809, this law was communicated by the American minister to the French Government. No indication was given by that Government that it was regarded as a hostile measure, and no remonstrance was made against it.

Towards the end of that year, however, orders were given to seize all American vessels in the ports of France, or in possession of her armies; and, after a great number had been thus seized, a decree was issued, dated at Rambouillet, March 23, 1810, confirm-

ing those seizures; extending by a retrospective operation, the principle to all American vessels which had entered France, or the dependent countries, since May 20, 1809, and directing the proceeds arising from their sale, to be paid into the Public Treasury. Even this 'outrageous measure,' as it has been justly styled, in the official correspondence of the American minister, was not the limit of the aggressions of the continental belligerents. In pursuance of the continental system, promulgated in the Berlin and Milan decrees, which were communicated as orders to the dependent allies of France, many American vessels were seized in the Kingdom of Naples, forty-seven in number, and valued at four millions of dollars; were enticed into the Neapolitan ports by a decree of Murat, which relaxed the rigor of the blockade decrees as to American vessels, and, when they had trusted themselves to this plighted faith, the Neapolitan Government caused them to be seized, with their cargoes, which were sold for the benefit of the Government, and some of the vessels were taken into the public service.

In Holland, American vessels arriving in her ports in 1809, some of them forced in by stress of weather, were sequestered, without any pretence of their having infringed the laws of the Kingdom, and their cargoes placed in the public stores. The vessels were permitted to depart, as not having violated any laws; but the cargoes were detained, until the 16th of March, 1810, when

Under an article of a treaty signed at Paris, on the 16th January, 1810, between Holland and France, they were delivered to the French Government as American, and by them received as such, to be dealt with 'according to circumstances, and the political relations between France and the United States.'

The United States were thus made parties to this sequestration, which was, in the most pointed manner, directed against them, as the public enemies of France, unless the American Government would vindicate the rights of neutrals by such means and in such a mode, as the French Government chose to prescribe.

Other nations have demanded and obtained from France, indemnity for their citizens for less atrocious wrongs. In 1805, a French squadron under D'Allemant, destroyed several neutral vessels at sea, among which were four American ships. The owners of all these vessels, except the Americans were paid for their property during the reign of Napoleon. The American owners are yet unpaid.

In reference, indeed, to every class and description of claims, has this preference for the subjects of European powers, over American citizens, been strongly manifested. In 1814, when Napoleon was compelled to abdicate, and the Bourbons were restored by the allied forces, the Government of France, by a treaty with the principal powers of Europe, engaged to liquidate and pay all the legal obligations which the former Government was under to indi-

viduals, 'in countries beyond its territories.' This it was bound to do, without the formality of a treaty. In the practice of the civilized world, and according to every principle of public law, it is well established that the obligations of treaties, and other official acts of government, are never affected by revolutions or changes of dynasty.

Indeed the principle of making an indemnity, was distinctly admitted by the representatives of France, in their note to the ministers of the allies, September 21st, 1815; and in the treaty by which the pacification of Europe was made, it was inserted to prevent any doubt as to the settled practice of nations.

By this article, which was meant as a general declaration on the part of France to the civilized world, and not merely as a covenant in favor of the parties to the Treaty, all acts of violence not included within the description of damages of war, were provided for; and by a supplemental article with Great Britain, losses by assignats, in the heat of the revolution, and all claims for illegal confiscations or sequestrations by the revolutionary government, or by Napoleon, were liquidated and paid to English subjects.

In pursuance of this treaty declaration, the Government of France since the restoration, proceeded to liquidate and extinguish claims of the subjects, both of the great Powers and petty States of Europe; but the claims of American citizens were uniformly neglected.

Negotiations were opened for

indemnity and the Executive of the United States urged the demands of the claimants for justice with great ability, upon the Government of France; but the Government, presuming upon the apathy of the American people towards the rights of the claimants, or upon the pacific policy of the Government, has hitherto met these remonstrances with the most futile excuses. The Government of France has not set up against these claims, the doctrine, that the liabilities of the former rulers of France did not descend to her present governors, notwithstanding the change of dynasty. But it has sought to avoid making compensation by silence, by delays, by evasions, and finally, by a refusal to negotiate, unless the Government of the United States would connect its claims with the claim lately made by France, to be admitted into the ports of Louisiana upon the same footing as British vessels. This demand was brought up after all other pretences had been unavailingly resorted to, and after more than five years had elapsed subsequent to the treaty, which gave rise to that claim.

The American Government refused either to admit that demand or to suffer it to be connected with the negotiations for indemnities, for spoliations upon its commerce. On that footing matters stood for many years, the claimants meanwhile suffering from the delay of justice. Upon the change in the administration of the Federal Government, it was hoped, from the character of the new President for energy and

decision, that he would not suffer claims so justly founded, to continue unliquidated or answered with frivolous excuses or untenable pretences.

A strong feeling had prevailed in the public mind on the subject, which only required an opportunity to manifest itself, and vigorous steps on the part of the Government, would have met with a hearty response from the people.

Movements were made in popular meetings, with the view of urging the Government to require a definite answer from France respecting the claims; and the new minister to that Government received instructions specially to enforce their liquidation.

Before the close of the year, the recovery of these claims was placed on a more favorable footing by the revolution which took place in the French Government itself. A Government which regarded with a more favorable eye the institutions of a republic, was substituted for the bigoted and imbecile Bourbons, and the revered and patriotic La Fayette, the friend of America, was restored to the unlimited influence that he exercised in the commencement of the first revolution. These fortunate events rendered the liquidation of these long neglected claims almost certain, and the mercantile community congratulated itself upon the probable adjustment of the sole controversy between the United States and their ancient ally.

The dispute with the Brazilian Government respecting the illegal seizure, and condemnation of

American property had been happily adjusted ; and an opening was afforded by the collisions of the principal European powers with the Sublime Porte, to extend the commercial relations of the United States, by entering into a treaty with the Turkish Government. Efforts had been made at an early period in the history of the Federal Government, to obtain access for the commerce of the United States to the Black Sea. During the administration of John Adams, a contingent commission was given to William Smith, then minister to Portugal, to proceed to Constantinople for that purpose. But the clamor, which was at that time raised against the extension of our diplomatic relations, prevented the execution of that mission.

Mr Jefferson, in pursuance of the Chinese policy, which he deemed to be the true policy of the United States, permitted the subject to rest, and Mr Madison was diverted from prosecuting it by the urgency of our European relations during his administration. Mr Monroe early directed his attention that way, and proposed not long after the commencement of his administration, to Mr William Lowndes to undertake a mission to Constantinople ; but from personal considerations this proposal was declined by him.

The insurrection in Greece which broke out shortly after, retarded the business by rendering it necessary to proceed with caution, in order to avoid entangling alliances with the Porte, which might have operated unfavorably upon the Greek cause.

Mr George B. English, however, was employed as a special agent to collect information respecting the state of the war in Greece and of the substance of the commercial treaties to which Turkey was already a party. Mr English was again sent out with Commodore Rodgers in 1825, as a secretary and interpreter, with instructions to seek an interview with the Capitan Pasha and to hold an amicable communication with him. This was done and it was then ascertained, that a treaty on favorable terms could be concluded without difficulty.

Mr Offley, the American consul at Smyrna, had, during the same period, frequently visited Constantinople upon business, and from his communications with some of the officers of the Porte, had formed a similar opinion ; and in his communications with the Government he had strongly urged the propriety of taking steps to conclude a treaty.

In the spring of 1828, Commodore Rodgers returned to the United States ; and as the war between Russia and Turkey, and the battle of Navarino, by destroying the influence of England with the Porte, gave peculiar advantages in conducting the negotiation, the President determined that the opportunity should not be lost. In the month of July, 1828, Mr Adams authorized Mr Offley, the American Consul at Smyrna, to proceed to Constantinople for the purpose of ascertaining definitely the disposition of the Turkish government with regard to a commercial treaty with the United States. If he



should find that such a treaty could be with certainty concluded, full powers were furnished to him and to Commodore Crane, then Commander of the American Squadron in the Mediterranean, jointly or severally for the negotiation of it; but they were expressly inhibited from assenting to any article, which might be incompatible with the neutrality of the United States. As the success of this business necessarily depended upon its secrecy, these commissioners were appointed under the authority of the President, to appoint executive agents, and such portion of the contingent fund as was at the disposal of the President, was set apart to defray the expenses of the mission and of the negotiation. Upon arriving at Constantinople Mr Offley found affairs on so favorable a footing, that he at once commenced negotiations, and in a short time agreed upon the provisions of a commercial treaty. The preliminaries being thus happily adjusted, the treaty would have been at once concluded, had the commissioners been provided with funds to make the customary presents upon the formation of a treaty. Mr Offley was desirous of then concluding it and of assuming the responsibility of drawing upon the state department for the amount of the presents; but Captain Crane, who, as instructed by the President, had joined him at Constantinople, declining that, course, the negotiation was suspended, and a communication was made to the American Government, informing it of the situation in which the business was placed.

This communication was received at Washington a few days after the inauguration of General Jackson, who, after obtaining from his predecessor an account of the previous proceedings, determined to continue the negotiation. Commodore Biddle having, in the meantime, taken the place of Crane as commander of the squadron, was also substituted for him as one of the Commissioners, and Mr Rhind, who had been commissioned as Consul of the United States at Odessa, was appointed as a third commissioner to assist in bringing the matter to a conclusion.

The commissioners were authorized to make the presents required, and a treaty was formed between the two governments, the details of which had not been promulgated at the close of the year.

The controversy with Great Britain respecting the trade between the United States and the West Indies was not of recent origin. It was almost coeval with their separation from Great Britain.

Previous to that event an intercourse, subject to but little restraint had existed as between colonies of the same power; and upon the establishment of peace it began to be renewed upon the ancient terms. It was not long, however, before the provisions of the British Navigation Laws were, upon the suggestion of Lord Nelson, then stationed in the West Indies, enforced against American vessels; and the controversy respecting the colonial trade was commenced.

Mr Pitt, upon whom as minister it devolved to bring the matter forward in Parliament, was at first inclined to place the intercourse upon the footing of exact reciprocity. Unfortunately however for both countries, he was prevented from carrying into effect these liberal views, by the publication of a pamphlet of Lord Sheffield, showing the possibility of engrossing the direct carrying trade between the United States and England, by confining the circuitous voyage through the West Indies exclusively to British vessels. British goods destined for the American market could then be transported in British vessels, which, after landing their cargoes, would return by a circuitous route carrying supplies to the islands, and bringing the produce of the West Indies to the ports of the mother country.

This combination of voyages was felt to be a great advantage, and it was determined to secure it to British navigation. American vessels were accordingly excluded from the islands, but the hostilities in which England soon after became involved with France compelled her to relax the rigor of the system in order to secure to her colonies supplies which were indispensable to their existence, and which could not then be obtained except from the United States. The colonial governors accordingly assumed the power of opening from time to time the ports of their respective islands, and though this intercourse was precarious and subject to continual interruptions, it served to keep the islands supplied, and gave to the

navigation of the United States a share in the carrying trade, with which they were satisfied. On this footing the matter rested, until the late war between this country and England put an entire stop to the trade and compelled the islands to depend upon other sources for supplies.

Upon the renewal of friendly relations, the United States found the situation of England materially changed. The world was at peace. Her navigation no longer? with that of the United States, carried on the trade of Europe. The continental kingdom sought to secure their own commerce to their own tonnage, and a contest commenced between these two great maritime powers for the carrying trade between their respective possessions. Both sagacious, active and alive to their own interests, they endeavored to promote them upon conflicting principles.

England, possessing extensive colonies in remote quarters of the globe, strove to monopolize their commerce, and the principles she acted upon in her navigation system were, 1st, to secure the carrying trade of the world to her own shipping, and 2d, to distribute such portion of it as did not devolve to her own tonnage among the other maritime powers, so that no one by her single strength might endanger the commercial supremacy of England and question her title to the sovereignty of the seas.

To effect these objects, her celebrated Navigation acts were passed, founded upon the principles of monopoly and exclusion.

The United States, on the contrary, without colonies, but unbur-

dened by debt, and enjoying inexhaustible resources, desired only to enter into competition with the maritime powers of Europe upon equal terms. Possibly upon an unequal footing their advantages as a youthful nation might have enabled them to succeed, but their interest obviously pointed to the establishment of a system of equality and reciprocity, and their character as an independent power could not be satisfied with less. With this view they laid a discriminating tonnage duty in favor of American vessels; but offered to place the vessels of other powers upon the same footing as their own upon condition that American vessels were placed upon a like footing in the ports of those powers.

This system, which at the same time proffered reciprocity and retaliation, was successful, and England, upon the termination of the late war, entered into a treaty of commerce and navigation with the United States upon terms of reciprocity. This treaty did not extend to her colonial possessions, and an attempt was now made to render the intercourse with the West Indies subservient to the ancient system of monopoly and exclusion.

The American merchants soon felt the disadvantages to which they were subjected in the direct trade, in consequence of being excluded from the circuitous voyage, and exposed to the competition of vessels on their return to England from the West India Islands.

Strenuous efforts were accordingly made in the principal sea-

ports of the United States to call the attention of Congress to this state of things, and they finally succeeded in obtaining the passage of a law (April 15th, 1818), closing the ports of the United States against British vessels, coming from ports, which were shut against American vessels, and compelling British vessels sailing from the United States to give bonds not to land their cargoes in those ports. This law not only put an end to the circuitous voyage, but also tended to impede the supplying the islands with American produce, except those colonies where the vessels of both nations were admitted.

To counteract this, the British Government immediately opened, during pleasure, the ports of Halifax and St Johns to the vessels of friendly powers, for the introduction of articles adapted to the West India market.

It thus expected to secure the greater share of the carrying trade by the indirect route to the West Indies, solely to British vessels.

This revocation, during pleasure, was not deemed by the American Government as a sufficient modification of the navigation acts, and their ports continued to be shut to British vessels, coming from those ports. The distresses of the islands increasing, negotiations were commenced on the part of the British Government, the same year, with the view of arranging the terms of intercourse; but as it insisted upon laying a discriminating duty in favor of produce imported into the West Indies from the northern

colonies, no arrangement was made, as the American Government refused to facilitate the object of its rival, in making those colonies places of deposit for the supply of her islands.

The unsuccessful termination of this negotiation left the United States no alternative but that of relinquishing all share in the intercourse, or to meet the restrictions by countervailing restrictions. They chose the latter; and by the law of May 15th, 1820, all intercourse with the colonies in British vessels was prohibited, and the importation of all colonial produce was limited to a direct importation from the place of its production. This put a stop to the trade in British vessels, and shut the produce of the British West Indies from the American market.

These retaliating measures operated so severely upon the British planters, that after two years of suffering the government at home resolved to make another effort for their relief. A law was accordingly introduced into Parliament (act of June 24th, 1822), by which admission was permitted to foreign vessels into certain specified ports in the West Indies, with certain specified articles, the produce of the country where the vessels belonged.

By this act a discriminating duty of ten per cent was laid on foreign produce for the purpose of encouraging the northern colonies, and British vessels had, in addition to the direct intercourse, the advantages of the circuitous voyage, which was only permitted to them.

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The Colonial Legislatures also imposed heavy discriminating duties, giving a decided advantage to British tonnage. In this change in its policy the Government aimed to encourage the trade between the northern colonies and the West Indies, — to give to her tonnage engaged in the direct trade between the United States and England the advantage growing out of the combination of voyages, — and to monopolize the colonial trade by heavy duties imposed upon American vessels by the legislatures of the islands.

To counteract these objects and at the same time to meet England, so far as the new system savored of liberality, a proclamation was issued by Mr Monroe, 1822, opening the ports of the United States to British vessels from the colonies, but confining the importations from the islands to the produce of the West Indies, and continuing the discriminating tonnage duty of one dollar per ton, which had been imposed as an equivalent to the colonial tonnage duties.

The next Session of Congress a law was passed, March 1st, 1823, confining the British vessels to the direct trade between the United States and the colonies from which they came, in the same manner that the American vessels were confined by the colonial system to the direct trade between the United States and the colony at which they had arrived.

These measures produced an order in Council, July, 1823, imposing a tonnage duty of 4s. 3d.

on American vessels trading with the colonies.

American navigation was thus subjected to a disadvantage, but still the trade flourished; when the British Government deemed it expedient to adopt a new system, permitting the importation into certain ports in the West Indies of the produce of the country to which the vessel, bringing the same, belonged, with the exception of salt provisions, munitions of war, books, whale oil and the productions of the East and West Indies. The exportation of colonial produce was also permitted directly to the country to which the vessel belonged.

The inland importation of all produce into Canada, New Brunswick and Nova Scotia was also authorized.

This law, which was passed July 5th, 1825, aimed to make the British islands depots for the supply of South America, and also to procure supplies for the West Indies through the northern colonies. It was altogether inoperative upon European and also upon American powers, except upon the United States, in reference to whose trade it seemed to have been framed, and with the view of terminating the colonial dispute in favor of England. It was, in some respects, a modification of the rigor of the old colonial system; but as it made an invidious distinction between powers possessing and those not possessing colonies, the American Government could not accede to its terms without departing from the commercial policy adopted upon the organization of the Gov-

ernment. Under these circumstances it sought to arrange the matter by an agreement; preferring that mode to legislation, which experience had shown to be productive of hostile feelings. A new negotiation was accordingly commenced, which terminated unsuccessfully, but which fully developed the views and principles of the respective parties.

The British Government asserted that any participation in the colonial trade by a foreign power was a boon—that the trade was peculiar to itself, and to be regulated solely by the laws of the parties possessing the colonies, and that a counteractive measure, confining British vessels to the direct voyage between the colonies and the United States, was an injury and a deviation from the spirit of the Convention of 1815.

The American Government admitted the right of England to make regulations, opening either in whole or part, the colonial trade; but contended that it was a right not peculiarly applicable to that trade, but one which applied equally to the trade with her European possessions, and that when the trade between the United States and the colonies was to be opened, it belonged to the United States as well as to England to establish the footing on which the intercourse was to be placed.

The principles upon which the exclusion from the colonial trade was justified, were not applicable to an American power. They applied solely to European nations, and were derived not from

the nature of things, but were of arbitrary invention, and intended to protect artificial interests and an unjust monopoly of the commerce and resources of the western continent.

The American Government, however was so desirous of adjusting this controversy amicably, that it in one particular swerved from the strict principle for which it had contended, and authorized Mr Gallatin to waive the question respecting the discriminating duty in favor of the produce of the northern colonies, with the exception of the produce of the United States descending the St Lawrence and Sorrell.

In other respects, the intercourse was to be placed on a footing strictly reciprocal, and the American Government also offered to abolish all restriction, and to permit the vessels of both parties to participate upon equal terms in all intercourse between their respective dominions and other parts of the world.

Before Mr Gallatin (to whom this negotiation was committed) had presented his credentials, an order of Council was issued, closing the colonial ports against American vessels; and the British minister (Mr Canning) then at the head of affairs, always unfriendly to American interests, refused to open any negotiation with the view to an arrangement of the controversy.

The unsatisfactory termination of this dispute gave to the opposition a good opportunity to arraign the conduct of the last administration before the public, and it was not neglected. It was accused of an undue fondness for diplo-

macy; of an inimical feeling towards England, and of neglecting the public business.

The loss of the colonial trade was imputed entirely to mismanagement, and the new administration came into power under strong assurances on the part of its friends, that no effort would be spared to induce England to open the West India Ports to American vessels.

Accordingly, shortly after the inauguration of General Jackson, Mr Louis McLane was appointed minister to England, with special instructions on this point. The Secretary of State in these instructions after narrating the events, which led to the suspension of the direct intercourse, stated, that there were three grounds on which the United States were assailable — 1st, in their 'too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies; 2d, in confining British vessels to the direct voyage after the passage of the act of Parliament of 1825; and 3d, in omitting to accept of the terms offered by that act. Mr McLane was instructed to obviate the unfavorable impression produced by these circumstances, and to enable him so to do, he was authorized to say to the British Government, that the United States would recede from those grounds, by abolishing the discriminating duties on British vessels coming from the colonies; by repealing the provisions of the act of 1823; and by acceding to the terms of the act of Parliament of 1825.

The instructions then proceeded to say, that the British Government ought not to object to enter-

ing into this arrangement on account of the omission of the Government of the United States to accept of those terms, when formerly offered — that Mr McLane knew of the course taken by the party now in power, in reference to the policy of the late administration on that question, and he was authorized to state to the British Government, that the pretensions of that administration had not been sustained by the people of the United States, and were not to be regarded as the views of the Government.\*

Thus authorized, Mr McLane entered upon the duties of his mission, and shortly after his arrival, he communicated to the Earl of Aberdeen the grounds upon which he desired to open the negotiation. To this communication no reply was made, except one generally professing a friendly feeling and a desire to amicably adjust the business. The verbal conferences between the negotiators however continued, and the Cabinet at Washington felt so desirous of regaining the trade, that towards the close of the session, the following message was sent to Congress by the President.

‘To the Senate and House of Representatives of the U. S.

‘GENTLEMEN: I think it my duty to inform you that I am daily expecting the definitive answer of the British Government to a proposition which has been submitted to it by this, upon the subject of the Colonial Trade.

‘This communication has been delayed by a confident belief that the answer referred to would have been received early enough to

have admitted of its submission to you in sufficient season for the final action of Congress at its present session; and is now induced by an apprehension that, although the packet by which it was intended to be sent is hourly expected, its arrival may, nevertheless, be delayed until after your adjournment.

‘Should this branch of the negotiation committed to our Minister be successful, the present interdict would, nevertheless, be necessarily continued until the next session of Congress, as the President has, in no event, authority to remove it.

‘Although no decision has been made, at the date of our last advices from Mr McLane, yet, from the general character of the interviews between him and those of his Majesty’s Ministers, whose particular duty it was to confer with him on the subject, there is sufficient reason to expect a favorable result, to justify me in submitting to you the propriety of providing for a decision in the recess.

‘This may be done by authorizing the President, in case an arrangement can be effected upon such terms as Congress would approve, to carry the same into effect on our part, by proclamation, or, if it should be thought advisable to execute the views of Congress by like means, in the event of an unfavorable decision.

‘Any information in the possession of the Executive, which you may deem necessary to guide your deliberations, and which it may, under existing circumstances, be proper to communicate, shall be promptly laid before you, if required.

‘ANDREW JACKSON.

Washington, 26th May, 1830.

This message was committed to the committee on commerce, the chairman of which (Mr Cambreleng) reported the next day a bill to authorize the President to suspend or to repeal by proclamation the acts of Congress of 1818, 1820 and 1823, whenever he should be satisfied, that Great Britain would open the West India ports for an indefinite or a limited term to American vessels from the United States, subject to the same duties as British vessels from the United States, and that American vessels would be permitted to carry the produce of those islands to all countries except British possessions to which British vessels were permitted to carry it. The ports of the United States were then to be opened to British vessels from the colonies upon the same terms as American vessels.

This bill having been twice read, Mr Cambreleng moved a resolution requesting the President to communicate to the House such information concerning the state of the negotiation as he should think advisable.

This resolution was agreed to and in the afternoon a secret message was sent from the President communicating some information just received from the minister at London. This information was in substance an account of the progress of the negotiations. And it induced the Houses to pass the bill without delay — 105 Ayes, 28 Nays.

The bill was then sent to the Senate, where it was also assented to, and having received the sanction of the President it became a law, and was forthwith commu-

nicated to the British Government as an additional proof of the disposition of the American Government to relinquish the stand it had hitherto taken on this question, and the Secretary of State in his letter of June 18th, 1830, informing Mr McLane of its passage instructed him to so represent it to the British Government. It was so represented, and our minister in his letter to the Earl of Aberdeen of July 12th, declared, 'that the law conceded in its terms all the power in the regulation of the colonial trade to Great Britain, and that it authorized the President to confer on British vessels all those privileges, as well in the circuitous as the direct voyage, which Great Britain had at any time demanded or desired.'

These concessions were at length deemed sufficient by the British Government; and on the 17th of August, 1830, an answer was given by the Earl of Aberdeen, in which these concessions and abandonment of a principle long contended for, are specifically recapitulated, as if to preclude the United States from again insisting upon it; a construction put upon the late act of Congress agreeable to the views of Great Britain, an intimation given that the British Government contemplated an augmentation of the duties on produce imported directly from the United States, with the view of encouraging the importation through the northern colonies, and finally an assurance made that the carrying into effect of the law of Congress, would remove all difficulty in the way of the renewal of intercourse on the footing of the



act of Parliament of 1825. Upon the receipt of this answer at Washington, the President issued a proclamation dated October 5th, 1830, opening the ports of the United States to British vessels from all the British colonies on or near the North American continent, and declaring the acts of Congress of 1818, 1820 and 1823 absolutely repealed. The trade in British vessels accordingly at once commenced, and on the 5th of November following, the British Government by an order of council opened the colonial ports to vessels of the United States.

The controversy was thus terminated, and although the principle of reciprocity was so far given up as to concede to Great Britain the circuitous voyage, as well as the right to encourage the indirect importation of American produce through the northern colonies by augmenting the duties on the direct importation, the United States on their part gained a participation in the direct intercourse upon terms of reciprocity, and the additional privilege of exporting goods from the British colonies to foreign countries. The controversy resulted substantially to the advantage of American interests although the principle contended for by Great Britain prevailed.

It indeed follows from the nature of things, that a system so entirely artificial as the colonial system, and so contrary to the interests of all American States cannot be sustained without great difficulty and entirely at the expense of the colonial power. Experience has accordingly shown, that restrictive measures have not been

able entirely to prevent commercial intercourse between the colonies and the United States, and such is the advantageous position of an independent community, that where trade has been permitted, much the greater portion of it has been carried on in American vessels. When the direct intercourse is prohibited, the transportation to the Danish and Swedish Islands, through which importations of produce are made, is entirely confined to the tonnage of the United States; and when the direct trade is permitted, the greater proportion of it is engrossed by the same flag.

Even the discriminating duty in favor of importations from the northern colonies, unless so great as to be nearly prohibitory, can produce but little effect in diverting the trade from the direct route.

The system, however, is still persisted in by Great Britain; and directly after concluding the arrangement in question with the United States, the minister proposed an increase of nearly fifty per cent in the duties on American produce imported into the islands, and to permit their importation into the northern colonies without duty. The change in the ministry itself about that time prevented that measure from being carried into effect; and time alone can determine whether in case it should be adopted, it will be necessary for the United States to adopt other counteractive measures in place of those repealed by the Proclamation of the President for the protection of their navigation and commerce.

## CHAPTER III.

*Treaties between the United States and, Cherokees. — Condition of Cherokees. — Constitution adopted by do. — Policy of Georgia. — Views of Federal Government. — Question between the Cherokees and United States. — Conduct of Georgia. — Proceedings in Congress. — Bill reported in Senate. — Proceedings in Senate. — In House. — Passage of Bill. — Character of Bill.*

ONE of the most embarrassing subjects which fell under the cognizance of the new administration, related to the Indian tribes within the limits of States already admitted into the Union.

In the Annual Register for the years 1827-8-9\* a full account was given of the peculiar relations subsisting between those tribes and the State and Federal Governments. Some embarrassment had grown out of the different views which lately began to be entertained of their territorial and civil rights by the authorities of Georgia and by those of the United States; and a warm and angry controversy, relative thereto, had commenced in the latter part of the administration of Mr Monroe, which continued throughout that of his successor. An account of the controversy respecting the Creeks and of its final adjustment by a treaty, will be found in the

1st and 2d volumes of the Register. The Cherokees also residing in Georgia, however, refused to make any concessions, and determined resolutely to adhere to their rights and obligations, as defined by the treaties already in force. Various efforts were made to induce them to depart from this resolution, and the government of Georgia was loud in its threats in case the Federal Government should not put the State in possession of the Cherokee country, of taking the matter into its own hands. All attempts, however, to persuade the Cherokees to part with another acre of their territory proved ineffectual. They declared that they had already reduced their limits within reasonable bounds; that in the expectation of becoming a people, they had relinquished their vagrant habits and devoted themselves to agriculture, and to the

arts of civilized life. They had now accustomed themselves to the utensils, the food and the habits of the white man, needed many of his comforts and luxuries, professed his religion, spoke his language and had adopted his laws; they must advance or become extinct, and with this alternative alone in view, they could not consent to stop short in their progress in civilization and to put their very existence at stake by exchanging their cultivated country for an unexplored wilderness. The expectation, therefore, of obtaining possession of this country through the agency of the Federal Government was relinquished. It had manifested a sincere desire to comply with the compact of 1802, in the letter and spirit; and it was not pretended that an agreement to extinguish the Indian title 'when it could be peaceably done on reasonable terms,' bound the United States to resort to force. Besides, the United States had entered into various treaties with this tribe, which not only prevented the Government from encroaching upon its territory, but compelled it to protect them from the encroachments of others. This Indian tribe formerly was a powerful nation, occupying a large tract of country in the western parts of Georgia, South and North Carolina, and extending over a large part of the old Mississippi territory. During the revolution they took part together with most of the Indian tribes against the United States, and upon the conclusion of peace with Great Britain, the great southwestern tribes

still continued to preserve their hostile attitude. The Creeks and Cherokees, who were allies, threatened the frontier settlements of Georgia and North Carolina, and as these States, especially the former, had undertaken to interfere in an unauthorized manner with Indian affairs, Congress refused to employ the arms of the Confederacy to reduce them to submission, unless the whole power of establishing the terms of peace was acknowledged to belong to that body. A treaty was finally concluded at Hopewell, in 1785, by which peace was restored, and the Cherokees were received into the favor and protection of the United States, upon certain conditions, viz:

All prisoners and all property were to be restored.

The Indians acknowledged themselves to be under the protection of the United States and of no other sovereign.

Their hunting grounds within the United States were defined and a boundary line allotted; and it was agreed that if any person should attempt to settle on those grounds, he should forfeit the protection of the United States and be subject to the laws of the Indians. Provision was made for the punishment of offenders, for the regulation of all Indian affairs by Congress and for the representation of the Cherokee Nation in that assembly by a deputy of its own choice.

Peace, however, was not firmly established by this treaty. The citizens of Georgia continued to encroach on the Cherokee terri-

tory, and after the adoption of the Federal Constitution (which gave jurisdiction over Indian commerce and the whole treaty making power to Congress), a treaty of peace and friendship was made at Holston in 1791, by which the Cherokees acknowledged themselves to be under the protection of the United States and of no other sovereign, and stipulated not to make any treaty with any foreign power, *individual State*, or individuals of any State. Prisoners were surrendered and a boundary line declared 'between the citizens of the United States and the Cherokee Nation,' and the United States, to extinguish their claims to the land north and east of the boundary line, agreed to pay \$1500 annually to the 'Cherokee Nation, which relinquished and ceded their right to the said land; and the United States also agreed solemnly to guaranty to the Cherokee Nation all their lands not thereby ceded.' It was further agreed that the citizens of the United States should have the free use of a road through that territory and of the navigation of the Tennessee River; and that the United States should have the right of regulating the Cherokee trade. It was further stipulated that 'all citizens settling on the Cherokee land should forfeit the protection of the United States and be subject to the Cherokee laws; that no citizen of the United States should attempt to go into the Cherokee country without a passport from a Governor of one of the States or a person authorized by the President; and that any citizen of the

United States committing any offence within the Cherokee territory should be punished as if the same had been committed 'within the jurisdiction of the State or District to which he may belong, against a citizen thereof.' Provisions were also made for the improvements of the condition of the tribe, and that they 'may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters;' and the United States agreed to furnish gratuitously implements of husbandry and to aid them in their progress towards civilization.

In 1798, a further cession of their territory was made by the treaty of Tellico; the annuity was increased to \$6000 and the United States in the 6th article, agreed to continue 'the guarantee of the remainder of their country forever.' Other treaties were subsequently made, modifying from time to time the boundary line; and one in 1816, permitting the citizens of the United States to navigate the rivers within the Creek nation; but these treaties did not in any respect alter the relations subsisting between them and the United States. On the contrary, all the former treaties were recognised and confirmed by a treaty made at Tellico in 1805, and by a treaty made in 1817 at the Cherokee Agency. This latter treaty was made with the view of enabling a part of the nation to emigrate beyond the Mississippi, and all former treaties between the United States and the Cherokee nation were expressly recognised by it and de-

clared to be still in force and binding on both parties. Relying upon these treaties, the Cherokee nation determined to part with no more territory, and availing themselves of the advantages held out by them, they had under the guidance of their sagacious chiefs advanced rapidly in civilization and promised soon to be on a footing of equality with the surrounding whites.

In 1827, a striking advance was made by their discarding in a general council their former rude government, which was based on their aboriginal customs, and adopting a written constitution for the future government of the nation. This constitution was in substance as follows. The first article describes the boundaries of the nation and declares that the jurisdiction of the government shall extend over the country within the described boundaries, and that the lands therein shall be the common property of the nation, but the improvements made thereon are to be the exclusive property of the individual citizens making or rightfully possessing the same. The citizens of the nation are to possess no right to dispose of their improvements in any manner to the United States, individual States nor to individual citizens thereof.

The second article divides the Government into three Departments: viz. the Legislative Executive, and the Judicial, and provides that no person belonging to one of these departments, shall exercise any of the powers belonging to another except in specified cases

The third describes the nature and powers of the legislature. This is to consist of a Committee and a Council, each having a negative on the other, and both to be styled 'the General Council of the Cherokee Nation.' The Committee is to consist of two members from each of the eight districts; and the Council of three from each district is to be chosen by the qualified electors in their respective districts, for the term of two years. All free male citizens except persons of African origin, who have attained the age of eighteen years, are entitled to vote at public elections and are to vote  *viva voce* . The other provisions of this article need not be stated, as they are similar to those which govern legislative proceedings in the States of the Union.

The fourth relates to the executive power. This is vested in a Principal Chief, to be chosen by the General Council, and to hold his office four years. An assistant Principal Chief is to be chosen in the same manner, for four years; and every year, three men are to be appointed by the General Council, to be associated with the assistant Principal Chief as advisers of the Principal Chiefs.

The fifth defines the nature and power of the Judiciary. The Judicial powers are vested in a Supreme Court, and in such Circuit and Inferior Courts as the General Council may, from time to time, establish. Three judges constitute the Supreme Court, and hold their commissions for four years, but any of them may be removed from office on the address of two thirds of both

houses of the General Council to the Principal Chief. The judges receive a stated compensation and are not to receive fees or perquisites of office, nor to hold any other office of profit or trust whatever. They are appointed by a joint vote of both houses of the General Council, and are eligible only within the ages of thirty and seventy years.

The rights of the citizens are secured in the following manner: In all criminal prosecutions, the accused shall have the right of being heard, of demanding the nature of the accusation, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage, nor shall he be compelled to give evidence against himself.

The people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches, and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without good cause, supported by oath or affirmation. All prisoners shall be bailable upon sufficient securities, unless for capital offences, where the proof is evident or presumption great.

The sixteenth article declares, that no minister of the gospel while discharging the exercises of his functions, shall be eligible to the office of Principal Chief, or a seat in the Legislature.

No person who denies the being of a God, or a future state of rewards and punishments, shall hold any civil office in the nation.

Universal toleration in religion is allowed.

All commissions shall be in the name of the Cherokee nation and sealed with the national seal, and be signed by the Principal Chief.

No person shall, for the same offence, be twice put in jeopardy of life or limb, nor shall private property be taken or applied to public use without his consent.

The right of trial by jury shall remain inviolate.

Schools, and the means of education shall be encouraged in the nation.

The appointment of officers, not otherwise directed by the constitution, is vested in the Legislature.

The adoption of this constitution on the part of the Cherokee nation, by extinguishing the expectations, which had been hitherto entertained of effecting the removal of this tribe, from the State of Georgia with its own consent, induced the local authorities to assume a new ground, and to hold a different language, both to the Federal Government and to the Indians themselves. It had been until now conceded, that the Federal Government had the entire jurisdiction over this subject, and the Government of Georgia had only urged, that it was its duty under the compact of 1802, to extinguish the Indian title for the use of Georgia, at the expense of the United States. It now asserted a jurisdiction over the whole matter, and undertook to pass laws extending its criminal and civil jurisdiction over the Indians within its limits, by virtue of its authority as a sovereign State. According to this new doctrine,

the Indian territory belonged to Georgia absolutely, the Cherokees were tenants at her will, and she had the right at any time, to determine that tenancy, by taking possession and extending her authority over the tribe. These principles, so novel in themselves, were directly contrary to the established practice of the Government, and in violation of the provisions of The Indian Intercourse Act, passed in 1796, and continued with some modifications in the details by the act of 1802, which was still in force. By this law, the citizens of the United States were prohibited from going into the Indian territory, the boundaries of which were specified, under pain of fine and imprisonment. Settling upon the Indian territory, or surveying, or designating boundaries thereon, was declared punishable by fine and imprisonment; and the President was authorized to employ the military force to remove persons intruding on the Indian lands, and to deliver them over to the civil authorities of the United States. The legislature of Georgia in 1828 had advanced principles in violation of this act by way of resolutions, but it was foreseen that so long as the Federal Government was determined to preserve its authority inviolate, these declarations could not be carried into effect. Similar encroachments upon the federal authority had been attempted in relation to the Creek Treaty, but the determination expressed by Mr Adams to execute the laws, and his orders to the military, to arrest all intruders upon the Creek Territory,

produced their proper effect, and after many threats, the State authorities were obliged to acquiesce in the calm but firm decision of the Executive. The system of threatening, however, was not departed from.

In 1828, the State Legislature passed a law, to take effect prospectively, extending her jurisdiction over the Indians. In 1829, the law was re-enacted to take effect in 1830. A change had now taken place in the administration of the Federal Government, which was followed by a change in its policy towards the Indian tribes within the United States, and the States of Alabama and Mississippi imitated the example of Georgia. These States were also partly occupied by Indian tribes, but under different circumstances. The right to the land, after the extinguishment of the Indian title, became vested in the United States—the States being created by act of Congress out of the public territory, and bound not to interfere with the public lands. In Alabama were the Creeks, a portion of the Cherokees, and a few Choctaws and Chicasaws. These two latter tribes, however, chiefly resided in Mississippi, and their relations with the United States were in the main, similar to those existing with the Cherokees. They were also far advanced in civilization.

Almost immediately after the inauguration of General Jackson, communications were made by the Executive to the Creeks and Cherokees indicating the policy, which would be in future pursued toward the Indian tribes, and the

views entertained by him, of the relations existing between them and the United States.

The letter to the Cherokee Council, together with the opinion of the Attorney General, and the memorial of that nation to Congress, and other documents containing the statements of both sides of the question, will be found among the Public Documents in the second part of this volume.\*

From these papers it appeared, that the federal administration conceded to Georgia, full power as a sovereign State, to extend her civil and criminal jurisdiction over all the Indians within her limits; and that the treaties made with the United States, so far as they contravened this authority by guaranteeing the Indian title, were not binding upon the General Government, inasmuch as it had not a constitutional right to make such treaties. It was also asserted, that the Indian title was only a right to hunt, and consequently was temporary and subject to be abridged, whenever the country was wanted for the use of civilized man; that the right guaranteed was a mere right of possession, and that the guarantee was never intended to be adverse to the sovereign right of Georgia.

The State had hitherto been induced to forbear to act, in the expectation that some satisfactory arrangement would be made; but the course adopted in creating a Cherokee Government professing to be independent, was inconsistent with the political system of

the United States, and well calculated to excite apprehensions as to the extent of the aboriginal claims. The attitude thus assumed by the Cherokee Nation was one which was never contemplated and in which it could not be sustained by the Federal Government.

The Cherokee chieftains on their part contended, that the right of their tribe to its territory was anterior to all other claims, and had been recognised by the whites and guaranteed by treaties; that their right of regulating their domestic affairs was equally undeniable and had never been surrendered; that they had taken no part in the formation of the Constitution of the United States nor of the compact of 1802 with Georgia, and therefore were not bound by any of the provisions in those instruments or any construction put upon them; that if any difficulty resulted from inconsistent obligations, they should not be affected by it; and they suggested that it was easy for the State and Federal Government to modify the compacts between them so as to preserve the honor of the United States, and to promote the happiness and prosperity of a people whose title to their territory was undeniable, whose interests were becoming identified with their white neighbors and who had been always ready to obey their call as friends and allies.

Had this controversy been confined to these parties, no difficulty probably would have grown out

\* Vide pages 123 — 145.



of the dispute. The obligations of the Government of the United States were too clear to permit any encroachment by any direct agency upon the Cherokee territory. This responsibility was assumed by the State Government. The act of Georgia, which was passed December 20th, 1828,\* provided for a division of the Cherokee country within the limits of the State into five portions and attached them to the five contiguous counties. The laws of Georgia were extended over the white residents within the territory and the Indians were declared to be subject after the first of June, 1830, to such laws as the Legislature might prescribe. The Cherokee laws and customs were declared to be void after the same period, and all Indians, or their descendants, residing within the nation, were declared to be incompetent, either as witnesses or parties in a suit wherein a white man was a party.

The harsh and arbitrary character of this law excited much feeling throughout the country; and the view which the new administration took of the obligations of the United States towards the Cherokees, when conflicting with the pretensions of Georgia, gave good ground for apprehension as to the ultimate fate of this tribe. Meetings were held in various parts of the Union for the purpose of remonstrating against the construction given by the Executive to the treaties between the United States and the Cherokees. The Federal Government was declared to be bound to protect this

tribe from the encroachments of Georgia. The guarantee was intended as a substantial protection against all invasions upon the territory reserved, and specially against encroachments under the authority of States. The difficulties, which had grown out of the doubts as to the authority of Congress, under the articles of confederation was the inducement to invest the General Government with enlarged authority over this subject under the Federal Constitution, and the encroachments which the inhabitants of Georgia had formerly made upon the Creeks and Cherokees — encroachments which had more than once produced hostilities between them and the whites — were the chief motives to giving the guarantee in question.

The faith of the nation was therefore plighted to these tribes; and their dependent situation gave them a strong claim upon it, requiring the most scrupulous performance of all its obligations. No distinction, drawn from the confederated character of the Government, could be regarded as an answer to these claims. The power to pledge the national faith unquestionably belonged to the National Government; and whether plighted to foreign powers, to Indian tribes within its limits, or to its own citizens in a state of rebellion, it gave a sacred character to its stipulations, which rendered their performance of paramount importance. The practical construction given to these treaties for forty years, which had been hitherto undis-

\* For act, vide Domestic Occurrences, under head of Georgia.

puted, the provisions of the Indian intercourse act, in conformity with that construction for nearly the same time, were also urged as unanswerable reasons why the Federal Government should continue to afford its protection to the Cherokees as it had hitherto done; and a strong and earnest appeal was made to Congress to prevent the Government of Georgia from carrying into effect a law so injurious to the natural rights of the Indians and which was a direct and positive violation of those treaties. This appeal did not induce the administration to forego its resolution to further the designs of Georgia. It felt itself strong in the support of a powerful party in the country and strong indications were given that the views of the administration respecting the Indians would be sustained by a large portion of that party.

The government of Georgia however felt, that the harsh and unjustifiable steps authorized by the act of 1828, could not be carried into effect without exciting a torrent of public feeling too powerful to be withstood. The 9th section of that law, which incapacitated Indians from appearing in any character in Court was particularly objected to as violating both justice and humanity. An act was therefore brought in at the next session of the legislature to repeal that section of the law of 1828. This new act incorporated the Cherokee country with the adjoining counties and extended the criminal and civil jurisdiction of the State over all persons in-

habiting it. It also declared all the Cherokee laws void, and rendered it criminal to carry them into effect so far as they provided for the punishment of Indians for selling land or calling or attending a Council with that view. It was also declared a misdemeanor to dissuade the Indians from selling their lands, and all Indians residing within the Cherokee territory were rendered incompetent to testify in suits where a white man residing out of the nation was a party. This was a modification of the bill of 1828, and permitted Indians to be parties in suits and witnesses in some cases. Most of the provisions of the old law however were left still in force, and the Cherokees were in great uncertainty as to their fate. The States of Alabama and Mississippi partially followed the example of Georgia and took measures to extend their jurisdiction over the Indian territory within their respective limits. The Legislature of the former in 1829, passed a law extending the jurisdiction of the State over the Creek nation and authorizing a census to be taken of the Indians. The law of Mississippi, which was passed in 1830, declared all the rights and privileges held by the Indians by virtue of their own customs to be abolished, and placed them upon the same footing as the free white citizens of the State. The laws of the State were extended over the Indian territory and it was declared to be punishable by fine and imprisonment to exercise any office established by the customs of the Indians. The passage of these laws, together with the un-

constitutional course of Georgia, produced much excitement, and the humane throughout the country were alarmed, lest all the efforts of the Government to civilize them should be rendered abortive and an irreparable injury inflicted upon the character of the country for good faith and humanity.

There was no prospect, that the Federal Government would interfere to prevent the execution of this law, whether it was construed to be an infringement of the treaties or not. The President had declared, that he did not deem it competent for the Federal Government to interpose its authority between the State and the Indians, and this opinion was reiterated in his message at the opening of the 21st Congress.\*

The late attempt of the Cherokees to establish an independent government within the States of Georgia and Alabama, although the natural result of the policy of the United States, he declared to be inconsistent with our political system, never contemplated by the Federal Constitution and in which they could not be sustained.

He had informed the Cherokees that Georgia and Alabama had a right to extend their laws over them and that the Federal Government could not interfere to protect them, and advised them to emigrate beyond the Mississippi or to submit to the State laws. With the view of enabling them to subsist as an independent community beyond the influence of the whites, he recommended to Congress to set apart a territory

beyond the Mississippi and without the limits of the States, to be guaranteed to the Indians forever and to be subject to no other control from the United States, than what was necessary to maintain peace and tranquillity. If, however, they should not be willing to emigrate, they ought to be informed that they must submit to the state laws, and he had informed them that the Executive of the United States would not countenance them in their attempts to establish an independent Government. This subject was referred by both Houses of Congress to their respective Committees upon Indian Affairs, and on the 22d of February, 1830, the committee of the Senate made a long report to that body, approving the recommendation of the Executive, accompanied by a bill to carry it into effect. A similar report and bill was submitted to the House of Representatives on the 24th of February, by Mr Bell, the chairman of the Committee of Indian Affairs in that body. This bill authorized the President to set apart such portion as he should deem necessary, of the public territory west of the Mississippi, to be divided into districts, for the permanent residence of the emigrating Indians. The President was also authorized to exchange these districts with any tribes thereof residing within the United States, for the land occupied by them, and to assure them that the United States, will secure such land to them and their posterity forever; and a patent was

\* Vide Public Documents, page 16.

to be granted to them to that effect. He was authorized to pay for the Indian improvements on the exchanged lands and upon the payment of the appraised value the improvements were to belong to the United States. He was to cause the emigrants to be assisted in removing and settling in their new country, to provide for their sustenance for the first year after their removal and to protect them in their new residence against all other tribes or persons.

The same care and superintendence which the President exercised over the Indian tribes by virtue of the acts regulating intercourse with them, he was to continue to exercise over them after their removal, and the sum of \$500,000 was proposed to be appropriated to carry the provisions of the act into effect.

This bill was laid on the table for some time before it was brought up for discussion. The subject however was often agitated, upon the presentation of petitions from various quarters, urging Congress to take means to preserve the faith of the nation inviolate. The representatives from Georgia were unusually sensitive whenever this subject was agitated, and denounced the petitioners as impertinently interfering with their local concerns — they even sought to prevent the reading of the petitions, and when information was required as to the character of the laws, which Georgia had enacted concerning the Cherokees, they endeavored to divert public attention from that point by including the laws anciently passed in other States, in an entirely different

state of things. The resolution was accordingly so modified by the administration party in Congress as to call for the old laws of States, where Indians formerly lived, as well as for those of the States where the tribes still existed. In answer to this call however the most obnoxious law of Georgia, that of 1828, was omitted and the whole subject was not fairly laid before Congress. The discussion of the bill was commenced in the Senate on the sixth of April by Mr White, the chairman of the Indian committee, who explained the objects proposed and went into an examination of the claims and rights of the tribes, the States and the General Government. He was replied to by Mr Frelinghuysen who sustained with great power of argument and eloquence the claims of the Indians, and the authority of the United States over the whole matter. The discussion was further continued until the 24th of April by Messrs Forsyth, Adams, and Mr Kinley in support of the bill and by Messrs Sprague and Robbins in opposition to it.

Messrs White and Frelinghuysen again took part in the debate and various amendments were proposed, which together with the bill itself, were decided on the 24th of April.

The first amendment proposed by Mr Frelinghuysen was to provide for the protection of the Indians in their present possessions, until they chose to remove, and in the enjoyment of all their rights of territory and government as heretofore exercised. It also provided that before the removal or ex-

change, the rights of the tribe should be guarantied by treaty as formerly.

This amendment was rejected by a party vote of 27 to 20, all the administration members except one from Pennsylvania voting in the negative, and all the opposition except two, in the affirmative. On the second part of this amendment, the vote stood 28 to 19, the Senator from Pennsylvania voting with his party.

An amendment was then proposed by Mr Sprague, providing for their protection in their present possessions and in the enjoyment of their rights of territory and government according to the true intent and meaning of the treaties until they should choose to remove; which was rejected by the same vote, 20 affirmative, 27 negative.

Mr Frelinghuysen then offered an amendment providing, that the act should not be construed so as to authorize a departure from, or the non-observance of, any compact or treaty then existing between the United States and the Cherokees. This was also rejected by the same vote. Mr Sandford then offered an amendment, authorizing a similar exchange of lands with Indians, who occupied lands of which the pre-emption right belonged to a State instead of the United States, and this being amended by Mr Woodbury so that the expense should not be charged to the United States, was rejected 37 to 10.

The bill was then passed, 28 to 19, every Senator voting as before, except the administration Senator from Pennsylvania, who

voted with the majority. On Monday, the 26th of April, the bill was carried to the House, where Mr Bell moved, after it had been twice read, that it should be referred to the Committee of the whole House on the State of the Union and objected to its being referred to the Committee on Indian affairs, because it was similar to the bill already reported by that Committee. That course having been taken, it remained on the table until the 13th of May, when Mr Bell moved, that the special orders of the day be postponed with the view of taking up the Indian bill. This motion prevailed and the discussion was commenced in the Committee of the whole House by Mr Bell, who explained the objects of the bill and advocated its policy at length. He was followed by Mr Storrs, who condemned the bill as a violation of good faith and as countenancing the violent course of Georgia. The discussion was continued until the 19th of May, by Messrs Lumpkin, Foster, Wilde and Lamar, all from Georgia, in favor of the bill, and by Messrs Ellsworth, Evans, Huntington, Johns, Bates and Everett, against it. The advocates of the bill contended, that the title of the Indians to the territory they claimed was necessarily temporary and must yield to the claims of civilized man, whenever the land was needed for cultivation; that the Deity made the earth to be cultivated and improved, and that it would be preposterous to permit large tracts of country, sufficient for the accommodation of a numerous population, to be re-

served merely as a hunting ground for a few wandering savages. This view of the Indian title had always been taken by the European powers; it had been sanctioned by the uniform practice of the Colonial Governments; by the decisions of the Federal and State Courts and was taken by our commissioners at Ghent in resisting the pretensions of England in behalf of her Indian allies. As to the Cherokee claims under the treaties, they denied that the treaties were binding; first, because the Federal Government was not authorized to treat with Indians, although a different practice had sprung up through inattention; and even if authorized to treat, the States were secured by the Constitution from the erection of any new State within their several jurisdictions, without the consent of the State concerned, and therefore the treaties were void so far as they stipulated to guaranty the territory to the Cherokees or in any manner for their existence as a distinct community. The condition of the Indians themselves, they asserted, would be improved by removal, and their reluctance to cede their territory was declared to be solely owing to a few whites and half-breeds who resided among them and exercised a controlling influence in their councils. They were now surrounded by frontier settlers and the only intercourse they had with the white men, imparted to them the vices and not the virtues of civilization. Their laws and customs were still savage, and while their continuance in their present location was a detriment

and incumbrance to the States where they resided, it was also a positive disadvantage to the Indians themselves, who were gradually wasting away under the deteriorating influence of idleness and intemperance. It was also said, that this bill did not contemplate any forcible removal of the Indians, but merely to afford them aid in emigrating.

On the other side it was contended that, however undeterminate and temporary might have been the original title of the Indians to their territory, it was capable of being changed into a title as valid and definite as that of a civilized community to soil occupied by its citizens: that this had been done by the treaties concluded with these tribes with the view of attaching them to their country as a civilized people, and the faith of the United States was now pledged to respect that title and to secure them in the enjoyment of their territory.

The Indian title had always been respected by the American Government; and although it had been customary for the Indians to relinquish from time to time portions of their territory, it had never been contemplated to remove them entirely without their consent. On the contrary, efforts had been made by the General Government to change their habits and to fix them to the soil as a civilized people. Such was the object of the treaties which were concluded by the Federal Government with the sanction of Georgia herself. The ground now taken concerning their unconstitutionality was entirely new

and inconsistent with the uniform practice of the Government ever since the adoption of the Constitution, which had, and in reference to this very pretension, prohibited States from entering into any treaty, and conferred upon the General Government the exclusive power of making treaties, of regulating Indian commerce and of repelling Indian encroachments. The whole power was thus vested in the Federal Government; and it had in conformity with this power proceeded to make treaties with the Indian tribes under every administration, and almost every year of its existence as a National Government, without the slightest objection on the part of a State, or any intimation that such a course was unauthorized by the Constitution. The Senate had sanctioned these treaties session after session; Congress had made appropriations and passed laws to give effect to their stipulations, and the whole practice of the Government had been in conformity with the principle that the whole subject was exclusively under the jurisdiction of the Federal Government. In the belief that this was so, the Indian tribes had entered into treaties, had ceded lands and relinquished claims. The Federal Government had accepted of these cessions; the States, and especially Georgia, had derived benefit from them and had acted as if they were valid; and the pretension that the treaties were void because the Federal Government had not been vested with power to make them, was not only unsound in itself, but was repug-

nant to every principle of fairness and justice. It was a fraud upon the Indians and would be so regarded by the civilized world. The faith of the country, was pledged to these dependent and helpless tribes, and public opinion would exact a full compliance with its engagements. These engagements were not only to guaranty their territory, but to aid them to become a civilized people. Relying upon this promise, the Indians had relinquished their savage habits. They were no longer fitted to procure their subsistence by hunting. They were agriculturists. They had farms and cattle, and essentially lived like their white neighbors. They perhaps were not so much advanced in civilization; but they had undeniably made great progress, and they could not relapse into a state of barbarism unless by a change of policy on the part of the United States. To that policy they were indebted for their elevation, and its effects were seen in an entire change in the habits and character of the whole community. The increase of their numbers within a few years, the commerce they began to carry on with the neighboring States; the establishment of a newspaper among them, the institution of their form of government, and the orderly and moral character of the tribe were all proofs of the efficacy of this policy, and so many testimonials to the good faith and benevolence of the American Government.

That such was the actual condition of the southern tribes, appeared not only by the accounts

from the missionaries dwelling among them, but by the reports of the public agents themselves; and Congress was adjured not to suffer itself to be driven from a policy which had produced such beneficent results by the intemperate denunciation, and threats of State authorities. To the argument urged, that this bill did not contemplate coercive measures, it was replied that, although it did not directly authorize coercion, its object was to appropriate a sum of money to co-operate with the States in the compulsory removal of the tribes. Some of the States, and especially Georgia, had long aimed at that, and had been prevented only by the authority of the Federal Government from carrying this design into effect. They had lately passed laws depriving the Indians of their rights as secured by treaties, and rendering it impossible for them to continue in their present abode without submitting to the most degrading conditions. The President upon that informs them that he cannot and will not protect them from the operation of these laws; and upon the assembling of Congress, recommends this bill to facilitate their removal. This is directly abetting coercive measures to remove them, and renders the Federal Government responsible for the new policy now adopted toward them. The measure itself, in its effects on the Indians, was also severely criticised. The territory which was offered for their reception was declared to be cold, sterile and scarcely inhabitable. The experiment which had been

made with a part of the Cherokees had not proved successful. Scarcely had they settled in their new abode when they were required to remove still further, to accommodate the people of Arkansas, and it was predicted that such would be the fate of all the tribes who might consent to emigrate beyond the Mississippi. Their only chance to preserve their existence as a people was, by remaining among the whites and not by receding from them. By accustoming themselves to the habits of civilized life and to the presence of white men, they might escape extinction; but how could they hope to recede from a nation which had already reached the sources of the Mississippi, and which would soon pass the summits of the Rocky Mountains? The pledges now offered, not again to disturb them, could afford no security. No pledges could be stronger than those they now had in the treaties, and at some future time the same plea of convenience or necessity would be used to justify a new violation of national faith. The precedent would be on record, and when once a Government violates her plighted faith, the rubicon is passed and her course thereafter is one of dishonor and broken engagements.

These objections however were disregarded, and after a discussion in the committee of the whole, which lasted five days, the bill was reported to the House on the 19th of May. There the discussion was renewed, and an amendment by Mr Storrs was proposed, prohibiting the occupation or pur-



chase of the lands or claims of any individual Cherokee, without the consent of the tribe by treaty. The 20th and 21st of May, had been set apart for special business, and although the Chairman of the Indian Committee moved each day to postpone the order of the day with the view of proceeding with the Indian bill, the House refused to suspend the rule—Yeas 107, Nays 88. It requiring a vote of two thirds, to carry the motion.

On the 24th of May, the Indian bill was again taken up, and the previous question having been demanded, a call of the House was made, when 196 members answered to their names—17 only being absent.

The previous question was not seconded, only 78 members rising in favor of it, and Mr Storrs' amendment again came under consideration, when after some discussion, Mr Storrs withdrew his amendment, with the view of giving Mr Hemphill an opportunity to offer an amendment. The discussion was again renewed on the bill and Mr Desha again demanded the previous question, which was not seconded, 93 Affir. and 99 Negative.

The discussion was continued until about 8 o'clock, when the amendment, reported by the Committee of the whole—viz. that in executing the provisions of the bill, the faith of treaties with the Indians should not be violated, was concurred in—141 Ayes, 53 Nays.

Mr McDuffie then rose and said, he was satisfied it was the solemn duty of the House to

come to a decision on this subject. He was not going into the argument, but he wished to say that this was a practical question. Whatever we may think here, said he, the state of Georgia has assumed an attitude from which she will not shrink: and it we refuse to exercise the power, which we may constitutionally assume on this question, the guilt of blood may rest upon us. I demand the previous question. This was not seconded; the House dividing, 97 Affirmative, and 98 Negative. Mr Hemphill then rose to propose a substitute for the bill, which was, to provide for the appointment of three commissioners by the President and Senate, not to be residents of any of the States immediately interested, who should go through the Indian tribes, east of the Mississippi, and ascertain their disposition to emigrate; then to explore the country west of the Mississippi, and ascertain the quality and extent of the country which could be offered to the Indians, in exchange for their lands east of the river; whether it was adapted to the agricultural and hunting pursuits of Indians; and on what terms they would make the exchange, dispose of their improvements, &c, and remove; and report the whole to the President, to be laid before Congress at its next Session, with an account of the value of the lands belonging to the tribes east of the Mississippi, their present state of cultivation, the number of schools and churches, and of the scholars and members in the same; the present moral and political condition of the Indians, and the nature and

extent of their commerce, and also an estimate of the whole expense of the removal and maintaining the tribes one year after their removal, and appropriates \$30,000 to carry the provisions into effect. Mr Hemphill said it was not his intention to go into a discussion of the bill. But this had been called a party question, and the advocates of the bill had appealed to the friends of the administration to support the President in this measure. He denied that party feelings influenced him. The President had not a better friend than himself in the whole nation; but on a question, involving as this did, the moral and political character of the country, he could not yield up his own judgment to his regard for the President. Mr H. then briefly explained the object of his amendment, which was to obtain full information, and enable Congress to act understandingly, on this important question. The original bill proposed to place half a million of dollars in the hands of the Executive to effect a removal of the Indians. This was too great a responsibility for any Executive. The House should take the measure into its own hands, and indicate the mode and manner in which it should be effected.

Mr Thompson, of Georgia, said he had forborne to take up the time of the House in delivering his views at large on the bill, and he was therefore privileged, he thought, in again demanding the previous question (which would of course put by the amendment). Accordingly, Tellers were appointed to count the House, who

reported 98 in favor of, and 98 against the previous question. The Speaker voted in the affirmative,—and the motion for the previous question was seconded. Mr Miller then moved to postpone the bill, but the motion was negatived—94 Ayes, 103 Nays. Mr Bates moved to adjourn, in order to give an opportunity to a gentleman absent from indisposition to vote, but the motion was lost—84 Ayes, 112 Nays.

The previous question was then put, and the House being equally divided, 99 Affir. and 99 Neg., the Speaker voted in the affirmative, and the main question was ordered, which was, shall the bill be read a third time?

On this question the House divided, 102 Ayes, 97 Nays, and it being late in the night, a motion for adjournment finally prevailed.

The next day the subject was resumed, when Mr Hemphill moved, that the bill be recommitted, with instructions to amend it, as he had proposed to amend it the day before.

With the view of preventing this motion from being put, Mr Bell moved the previous question, which was again seconded after a call of the House by the casting vote of the Speaker, 96 Affir., 96 Neg.

Upon putting the previous question however, it was negatived, 98 Affir., 99 Neg.

The effect of this decision was to remove the bill from before the House for the days which were devoted to other business. The 26th, the bill was again taken up, and Mr Hemphill's motion being still pending, the previous question

was again demanded, and after having been seconded, 98 Affir., 96 Neg., was carried, 101 Affir., 97 Neg.

The question on the passage of the bill was then put and decided in the Affirmative, 102 Ayes, 97 Nays. The bill having been thus forced through the House by the strength of the friends of the administration, was sent to the Senate for its concurrence in the amendments of the House.

The first amendment which was one of form, having been concurred in, a motion was made by Mr Frelinghuysen to amend the 2d amendment in relation to the observance of treaties, by adding a provision to protect the tribes, from all State encroachments, until they chose to remove.

This motion was negatived, 17 Ayes, 26 Nays.

An amendment offered by Mr F. to provide for their protection according to the provisions of the treaties was also rejected, 18 Ayes, 24 Nays. Mr Sprague then moved an amendment declaring, that the treaties should be fulfilled according to their true intent and meaning, which was rejected by the same vote, as was also an amendment offered by Mr Clayton, to confine the provisions of the act to the Indians residing within the state of Georgia. The second amendment was then concurred in by the Senate, and the bill after receiving the sanction of the President became a law.

The passage of this bill, connected with the course taken by the President in relation to the Indians, formed an era in the policy of the United States respecting the aboriginal tribes.

On the face of the law, with the exception of that section, authorizing the purchase of improvements from individual Indians instead of a council of the tribe, there was nothing to which any serious objection could be urged. It purported to be a law to aid the Indians in emigrating beyond the Mississippi, and did not contemplate any other than a voluntary removal.

But in connexion with the proceedings in the legislatures of Georgia, Alabama, and Mississippi, and the construction put by the President on the constitutional powers of the Federal Government, it indicated an entire change in its policy toward the Indians.

Hitherto the Indian concerns had been deemed under the care of Congress, and the Executive had carried into effect, pursuant to his oath of office, the laws and treaties made by the treaty-making department.

The President now, however, had declared, that he could not, consistently with his view of the subject, interpose to prevent a State from extending her laws over the tribes, although in violation of treaties.

The Indian intercourse act made it the duty of the President to prevent any intrusion upon the territory of the Indians, with the view of preserving the treaties inviolate. This act had hitherto been faithfully executed by each successive administration, and the military power had been occasionally resorted to, in order to enforce its provisions.

The laws of Georgia now authorized an intrusion upon the Indian territory, for the purpose

of surveying it; and in extending the jurisdiction of the State over it, in effect rendered it subject to the intrusion of any person.

The laws of the State thus came directly in conflict with those of the United States, and as the President had determined not to execute the law of Congress, when it conflicted with State sovereignty, he in that manner adopted the State laws as part of the national policy, and this bill thus passed by Congress, although not in

terms, yet in effect came in aid of the local policy of those three Southwestern States, sanctioned as that policy was, by the new Federal Administration.

The Cherokees, however, refused to acquiesce in this policy, and determined to maintain, by all the means in their power, their rights as guaranteed by treaty.

In this unsettled, and unhappy condition they remained at the close of the period about which we are treating. .

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## CHAPTER IV.

*Opinions in South Carolina. — Proceedings in Southern States. — Nullification. — Public Lands. — System of disposing of same. — Pretensions of Indiana and Illinois. — Graduation Bill. — Mr Foot's Resolution. — Debate thereon. — Mr Hayne's Speech. — Mr Webster's Reply. — Effect of Discussion. — Graduation Bill passes the Senate. — Laid over in House. — Nullification Party.*

THE tendency of the two parties, into which the American people were divided, to assume a local character has been noticed in the previous volumes of the Register, and it may be remarked as a general proposition, that the Southern States have, with the exception of South Carolina, been uniformly hostile to the exercise of power by the Federal Government. This State, although voting with the adjacent States on all local and on most national questions, had on some occasions, as in 1816, been foremost in asserting the right of Congress to legislate on certain disputed points. — Among these were the subjects of Internal Improvement, the United States Bank and the Tariff. A change of opinion had now taken place there, and it began to go beyond any of the advocates of State rights, in its assertion of State sovereignty. A vehement opposition to the tariff, both in

1824 and on the subsequent modification in 1828, had been led by the talented delegation from South Carolina in Congress, and when they were defeated in the Halls of Legislation, with characteristic energy they renewed their efforts to overturn the system and to render it unpopular with the people.

At first it was contemplated on its passage to resign their seats in Congress; and a meeting of the delegation was held at Washington with the view of deciding upon the steps which should be taken. This proposition was discussed, together with that of declaring the law to be void and of no effect within the State, and the chances of a successful resistance to the Federal Government were freely canvassed.

The delegation, however, did not concur in adopting violent measures, and it was determined to endeavor upon their return home to

rouse their constituents to a more effectual opposition to the protecting system. No exertions were spared to excite public feeling against the law. It was denounced as a measure local in its character, partial and oppressive in its operation, and unconstitutional in principle.

Having convinced themselves of this, they began to question the right of the Federal Government to require obedience, and almost simultaneously with the legislature of Georgia, which, December 24th, 1827, resolved to submit only to its own construction of the Federal Compact; the Senate of South Carolina instituted a committee to inquire into the powers of the Federal Government, in reference to certain subjects then agitated.

The report of this committee, which received the sanction of the State Senate on the twelfth and of the House on the nineteenth of December, 1827, asserted that the Federal Constitution was a compact originally formed, not between the people of the United States at large, but between the people of the different States as distinct and independent sovereignties; and that when any violation of the letter or spirit of that compact took place, it is not only the right of the people, but of the State Legislatures to remonstrate against it; that the Federal Government was responsible to the people whenever it abused or injudiciously exercised powers intrusted to it, and that it was responsible to the State Legislatures, whenever it assumed powers not conferred.

Admitting that, under the Constitution a tribunal was appointed to decide controversies, where the United States was a party, the report contended that some questions must occur between the United States and the States, which it would be unsafe to submit to any judicial tribunal. The Supreme Court had already manifested an undue leaning in favor of the Federal Government; and when the Constitution was violated in its spirit, and not literally, there was peculiar propriety in a State Legislature's undertaking to decide for itself, inasmuch as the Constitution had not provided any remedy.

The report then proceeded to declare all legislation for the protection of domestic manufactures to be unconstitutional, as being in favor of a local interest and that Congress had no power to legislate except upon subjects of general interest. The power to construct roads and canals, within the limits of a State, or to appropriate money for that purpose, was also denounced as unconstitutional, as was all legislation for the purpose of meliorating the condition of the free colored or the slave population of the United States.

On this last topic, it was intimated that no reasoning could take place between the United States and South Carolina. It was a question of feeling, too intimately connected with their tranquillity and safety to be discussed.

In remonstrating against these violations of the Constitution, the State should appear as a sovereign, and not as a suppliant before the National Legislature, and

resolutions, expressive of the approbation of the State Legislature of these principles, having passed both Houses, they were transmitted, with the report, to the delegation in Congress, to be laid before that body, then engaged in the consideration of the tariff.

That law having passed, the State Legislature, at the next session, sanctioned a protest against it as unconstitutional, oppressive and unjust, which was transmitted to their Senators in Congress to be entered upon the journal of the Senate. This was done on the 10th of February, 1829. The change which took place in the Federal Government caused a belief that some satisfactory modification would be made of the tariff; and during the summer of 1829 the excitement appeared to be directed less against the administration and more concentrated against the law itself. The doctrine, however, of the right of a State to nullify an act of Congress was not relinquished, although it seemed to be conceded that it would be best to attempt first to procure the repeal of the obnoxious law. In these opinions the State Government of Georgia fully concurred. As a measure of policy, the tariff was equally unpopular, and the controversy respecting the Indians had been carried to that length, as to bring the State in collision with a law of Congress, and to induce the Legislature to declare that it should be disregarded and held void.

The Legislature of Virginia also declared its assent to the same principle of nullification by a vote

of 134 to 68; and judging from the opinions expressed by the public functionaries of those States, the time appeared to be near at hand when the Union was about to be dissolved by the determination of a large section not to submit to the laws of the Federal Government, nor to any common tribunal appointed to decide upon their constitutionality.

A check was indeed given to this spirit by the State of North Carolina, which, although not less averse to the policy of the tariff, declared itself against all violent measures in opposition to it.

The State of Alabama also in 1828, when remonstrating against the passage of the tariff, conceded the right of Congress to pass revenue laws, although the incidental effect might be to protect domestic manufactures. In 1829, indeed, it went farther and assumed nearly the same ground with Virginia, South Carolina and Georgia; still the qualified opposition first made to the law proved, that the South was not united in the unconstitutional stand taken by some of the States on that subject, and that the injustice and oppression which were so vehemently denounced, were not so plainly and generally felt as to render resistance to the tariff a popular step. Indeed it was doubted whether the feelings of the people in the three States, which had declared in favor of nullification, were not misrepresented by the local legislatures. However decidedly they might have disapproved of the policy of protection, no sufficient evidence had yet been given that they deemed it a

greater evil than disunion, and the declarations and resolutions put forth by the State Governments were justly considered as the sudden ebullitions of violent feelings or as efforts on the part of leading men to excite a tempest in the public mind for political effect. This movement was not rendered less dangerous by the motives of those who made it. When the storm began to rage, it would be impossible to control it. It might as easily break down the barriers of the Constitution and overturn the government, as annul an unpopular law. The federative principle of the Constitution and the whole authority of Congress and of the Federal Judiciary were put in issue by the question now started, and however unwilling the leaders might be to destroy the Union; still experience had too clearly shown the difficulty of restraining an excited people, not to create apprehension as to the result of these efforts to throw off the authority of the General Government. Similar movements in another portion of the Union, also originating in local interests, and aiming at an extension of State sovereignty, to the detriment of the just claims of the Federal Government, gave additional ground for these apprehensions. Efforts had been made of late years in some of the Western States, to induce them to claim, under pretence of their rights as sovereign States, the public lands belonging to the United States within their several limits.

The lands forming the public domain of the country, were acquired by the Federal Government in two modes.

The portion west of the Mississippi, forming much the larger part, is held under the Louisiana treaty, having been acquired by purchase from France. The residue was acquired at the treaty of 1783, the fruits of conquest from the crown of Great Britain. Several of the States set up claims to these lands, then lying beyond the farthest frontier settlements and west of the Alleghanies and inhabited only by Indian tribes; but after some dispute these claims were relinquished (New York setting the example), and the right of the United States acknowledged to all these lands, which were divided into the Northwest and Southwest or Mississippi territories.

Out of these territories, new States have been from time to time erected and admitted into the Union under certain conditions and stipulations inserted in the acts of Congress, authorizing the inhabitants to form constitutions. These States have been settled chiefly by emigrants from the old thirteen States and the title to their land have been derived mostly from the United States. Prior to the adoption of the Federal Constitution, but few sales had been made.

Three large tracts were sold, one called the triangle, north of Pennsylvania, east of Ohio and west of New York, on lake Erie, consisting of 202,187 acres, which was sold to the State of Pennsylvania, September 4th, 1778; one tract on the Ohio and Muskingum rivers, to the Ohio company, originally containing two million acres, but afterwards reduced by consent to 964,285 acres; and a



third tract between the Great and Little Miami, to John Cleves Symmes, containing at first one million, but afterwards reduced to 248,540 acres.

Besides these, 72,974 acres were sold in 1787, under the ordinance of 1785, for disposing of lands in the western territory and 48,566 acres in 1796; were also sold under the same ordinance. A regular system was afterwards adopted for the disposition of the public domain and Surveyor Generals appointed. In 1800, the acts containing the principal features of the present land system were passed.

They have been subsequently modified, and in 1820, cash sales were substituted for sales on credit; but as they now exist they are substantially as follows.

The public lands when surveyed, which is done under the superintendence of five Principal Surveyors, at the expense of the United States, are divided into townships of six miles square, and these are subdivided into 36 sections of a mile square, containing 640 acres each.

The dividing lines run east and west or north and south, though sometimes a navigable river or an Indian boundary creates a fractional section.

The section No. 16, in each township, is reserved for the support of the schools in the townships and distinct reservations are made for Colleges. Salt springs and lead mines are also reserved, subject to be leased by the President.

The other sections are offered for sale at public auction for cash,

under proclamations of the President at the minimum price of \$1.25 per acre. Lands not sold at public sale are afterwards subject to entry at private sale at the minimum price.

The whole public domain of the United States amounts to 1063,000,000 acres, while the superficies of the States and territories, as owned by the States or their citizens, amount to less than 350,000,000 acres.

Of the public lands where the Indian title has not yet been extinguished, 750,000,000 acres lie in the great Western Territory: 56,804,824 acres in Huron Territory, west of Michigan Lake: 11,411,040 acres in the Territories of Michigan and Florida, and 38,574,598 acres within the limits of States now members of the Union. Besides this, there are 72,892,661 acres in the Territories of Florida, Alabama and Michigan, and 132,780,037 acres within the limits of States where the Indian title has been extinguished.

About 150,000,000 acres have been surveyed up to the present time; of which 20,000,000 have been sold; 20,000,000 have been granted by Congress for education, internal improvement and other purposes; 80,000,000 have been proclaimed for sale and are now subject to entry at the minimum price, and 30,000,000 have not yet been proclaimed for sale on account of the want of demand. The annual expense of these surveys amounts to about \$70,000. The total expense of selling the public lands from 1800 to 1825 amounted to \$1,154,-

951, and the moneys received from the sales during the same period to \$31,345,964, besides \$7,955,831 due from purchasers, of which only part can be recovered.

Although the value of the land not sold is incomparably less in proportion to the quantity than that disposed of, the increase of population and the advancing settlement of the country is daily augmenting the value of the portion remaining unsold; and when we regard the future and compare it with the past, sufficient is seen to convince us that the public domain is of vast and incalculable importance to the Federal Government. Whether viewed as an economical or as a political question, it is one full of momentous results; and when taken in connexion with the claims of State sovereignties it becomes as delicate as it is important.

The large quantity of lands within the limits of States, now members of the Confederacy, must eventually give to that question an absorbing interest. It has even now begun to evince the character which renders it a dangerous question to the authority of the Federal Government, and connects the pretensions of the States agitating the subject with the claims and doctrines of the States of Virginia, South Carolina and Georgia. Acting upon the new principle advanced by Georgia in relation to the sovereignty of the State over all land within its limits, some of the new States have lately set up a claim to the property in the soil of all lands

not owned by individuals as an incident of sovereignty.

Complaints had been previously made of the system pursued by the United States, in disposing of the public domain. The principle of holding all lands in the hands of the Government which did not bring the minimum price, it was said, prevented emigrants from settling in those States, where the best lands had been preoccupied, and the population became thus sparsely scattered over a vast extent of country. A system of graduated prices according to their actual value would bring about the sale of large tracts now unsold, and which would remain unsold so long as more valuable land could be purchased farther west at the same price.

Donations of small tracts were also recommended to actual settlers; and a contest was obviously about to commence between those who, regarding the public domain as a fund for the common benefit, were desirous of making it productive to the treasury, by selling it upon liberal terms, and those who, looking only to the settlement of their several States, advocated the forcing the public territory into market without reference to the demand, or to anything except the promotion of local views and objects.

Memorials were sanctioned by some of the Western Legislatures, remonstrating against the existing mode of disposing of the public lands, and the State of Illinois intimated that if it were not changed grave questions would arise among them, whether the title of

the United States to the public lands was valid and binding over the new States, and whether the claims of the General Government, in relation to the public domain, were not inconsistent with the rights of the several States.

The memorial containing these doctrines was presented to the Senate of the United States in February, 1829; and about the same time the State of Indiana undertook to decide the question for herself, in the same manner that the Southern States gave their own construction of the Federal Compact as the only one to which they would submit. On the 9th of January, 1829, a resolution was adopted by the Legislature of that State in the following terms: 'Resolved by the General Assembly of the State of Indiana, that this State, being a sovereign, free and independent State, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries—which right was reserved to her by the State of Virginia in the deed of cession of the Northwest territory to the United States, being confirmed and established by the articles of confederation and the Constitution of the United States.'

Attempts, too, had been made in other States to excite dissatisfaction at the mode of selling public territory, adopted by the Federal Government, and to throw doubts upon the validity of its title to that portion within the limits of States. One of the measures

tending to excite and promote dissatisfaction on this subject, was a bill providing for the selling, at graduated prices, which was introduced into the Senate of the United States by Mr Benton, of Missouri, in 1826.\* The Legislatures of Alabama, Illinois and Missouri, at different sessions, passed resolutions approving the principle of the bill.

By these movements public attention was strongly attracted towards this subject; and on the 29th day of December, 1829, Mr Foot, of Connecticut, introduced the following resolution into the Senate:

'Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of limiting, for a certain period, the sales of the Public Lands, to such lands only as have heretofore been offered for sale and are subject to entry at the minimum price, and also whether the office of Surveyor General may not be abolished without detriment to the public interest.'

The next day, on taking up this resolution, Mr Foot said he was induced to offer it from having ascertained that 72,000,000 acres still remained unsold at the minimum price; and that it appeared from the report of the Land Commissioner that the annual demand amounted to about one million acres, and that in one district in Ohio, where the land was of inferior quality and only 300,000 acres for sale, the cash sales amounted to \$35,000;

\* This proposition was favorably received in the West.

while in other districts, where the land was of better quality, and larger tracts for sale, the sales amounted only to 2000.

He thought, therefore, it was proper to inquire into the expediency of stopping for a time this indiscriminate sale of public lands.

Mr Benton opposed this resolution as part of a systematic policy for crippling the growth of the West, which had been pursued for forty years. It was as old as the existence of the Government. The practical effect of the resolution would be to check emigration to the West — for who would move to a new country if it was not to get new lands? He was desirous of meeting the question now, and he would move to make it the order for a future day. Mr Noble was opposed to the resolution, but was willing to meet the question, and proposed to make it the order of the day for Monday next. Mr Benton wished a longer day and moved for its postponement to the succeeding Monday.

On the 18th of January, 1830, the subject was resumed and Mr Benton commenced a speech in opposition to the resolution, which he asserted was intended to stop the surveying of public lands; to abolish all the offices of the Surveyors General, and to limit the sales to the land now in market.

The effect of these measures would be to check emigration to the new States, to retard their settlement, to deliver up large portions of them to the dominion of wild beasts, and to remove all the land records from the new

States. He contended that the effect of the inquiry would be to alarm and agitate the West.

Two great attempts had been made to prevent emigration to the West, besides the one now making, to induce the people of the East to stay at home, and work in manufactories, instead of emigrating to the West. The first great attempt was in 1786; the scheme was, to give up the navigation of the Mississippi, for twentyfive or thirty years, to Spain; seven States north of Maryland, voted for that surrender; six States south of Maryland, inclusive, voted against it. In this attempt was to be discerned the germ of that policy by which the valley of the Mississippi had been dismembered, and her rivers amputated. The second great attempt was made by a committee of twelve in Congress, of whom eight were from the north, and four from the south of the Potomac. The committee were Messrs Long, of New Hampshire; R. King, of Massachusetts; Howell, of Rhode Island; Johnson, of Connecticut; R. R. Livingston, of New York; Stewart, of New Jersey; Gardiner, of Pennsylvania; Henry, of Maryland; Grayson, of Virginia; Williamson, of North Carolina; Ball, of South Carolina; and Houston, of Georgia. This committee reported the present plan of surveys of the public land; but they also reported a provision, which would have prevented a settlement out of sight of the Pennsylvania line. This was, that 'each township should be sold out complete, before any land was

offered in the next one.' This would have been fatal to the West. By the exertions of Virginia, and the whole South, aided by scattered reinforcements from the North, the provision was stricken out, and thus ended the second great attempt to injure the West. The object, however, had never been abandoned, and it could be seen at intervals, in refusing troops and money to defend the frontiers of the West, and to extinguish the Indian titles; and in Mr Adams' withdrawal from the market, in violation of law, of 1000 square miles in Missouri. The West must still look to the solid phalanx of the South for succor, until by the quiet superiority which the census of 1840 would give her, she could set all right.

On the 19th of January, Mr Smith of Maryland, expressed himself in favor of the inquiry, and of his personal knowledge denied that Mr Adams was the first to relinquish the *Colorado* as a boundary. Mr Adams said that *must* and *should* be our western boundary, and this occasioned a quarrel betwixt Mr Adams and Don Onis.

Mr Holmes of Maine objected to an attempt to charge one section with hostility to another. He had never been sectional. During the late war he had done what he could to sustain the West. The East hostile to the West! Where? When? In what act of Congress? Was it in the charter of July, 1787. Was it in providing by that able state paper for new States, and receiving them when they possessed 60,000 inhabitants? The fact of purchas-

ing lands showed that the East was not hostile to emigration; Mr Holmes replied to Mr Benton in detail. He stated that 200,000,000 of acres were now ready and in the market for settlers.

Mr Woodbury, of New Hampshire, offered an amendment, which proposed an inquiry into the expediency of hastening the sales and extending more rapidly the surveys of public lands. He alluded to the bounties given to settlers in Canada, and the necessity of countervailing it.

Mr Foot, of Connecticut, opposed an amendment.

Mr Barton, of Missouri, would vote for the amendment.

Mr Smith of Maryland, could see no occasion for the amendment. He was in favor of an inquiry. The result of an inquiry would show that no hostility existed. The Senate had always been liberal to the new States and they had acknowledged it.

Mr Livingston, of Louisiana, said there was a regular and an irregular mode of doing business. By the regular mode, resolutions went to a committee; by the irregular mode, members undertook to furnish information and go into subjects at length. He wished the regular mode had been preferred. He was opposed to the original resolution, but in favor of the amendment.

Mr Sprague, of Maine, suggested a union of the two propositions, and Mr Foot, of Connecticut, accepted it; so the resolution as it stood, ordered an inquiry into the expediency of hastening as well as of limiting sales; and of extending more rapidly the sur-

veys, as well as of abolishing the office of Surveyor General.

Mr Hayne, of South Carolina, now rose and said, that to oppose inquiry was not necessarily an unparliamentary course. He concurred with the gentleman from Missouri, that it could never be right to *inquire into the expediency of doing a great and acknowledged wrong*. There were two great systems and two great parties in relation to the settlement of the public lands. One system was that which we had pursued, of selling the land at the highest price. Another was that of Great Britain, France, and Spain, of granting their lands for a penny or a peppercorn. He described the opposite results of these systems. That of the United States produced poverty and universal distress, and took away from the settlers all the profits of labor. It drained the new States of all their money in the same manner as the South, by the operation of the tariff, was drained to enrich more favored sections of the Union. The South could sympathize with the West. If the opposite system had been pursued, who could tell how much good, how much improvement, would have taken place, which has not, in the new States! But there was another purpose to which it was supposed the public land could be applied; viz. so as to create and preserve in certain quarters, a population suitable and sufficient for manufacturing establishments. It was necessary to create a manufactory of paupers, and these would supply the manufactories of rich proprietors and enable them to

amass great wealth. This doctrine was broached by the late Secretary of the Treasury.

The lands were pledged for the public debt. This would be paid in three or four years. He was in favor of a system, which looked to the total relinquishment, at that time, of the lands to the States in which they lie, at prices, he would not say nominal, but certainly so moderate, as not to keep the States long in debt to the United States. In the course of his remarks, Mr Hayne appealed to the gentlemen from the Atlantic States, if it was not true that the whole of their country was parcelled out and settled under the liberal system of Britain, instead of the hard and draining one, which we had hitherto pursued in regard to the West. Mr Hayne urged the necessity of distributing the lands to the States, from a regard to State sovereignty and the tendency of such a land to produce consolidation.

Mr Webster, of Massachusetts, rose to reply, but gave way, on motion of Mr Benton, for an adjournment.

Wednesday, January 20th. Mr Webster took the floor. He denied that there was any analogy between the cases of the British colonies and the Western States. The British colonies fled from persecution, or came and settled here at their own charge and risk. Our frontier settlers were protected, and had the Indian title extinguished for them, at a great expense both of blood and treasure. A protecting arm was ever stretched over them. They had gone forth and continued under the shadow of the parent's wing.

He said that by the terms of relinquishment of the territory north-west of the Ohio, by the States of Virginia, Connecticut, and Massachusetts, and of acceptance, on the part of the United States, Congress had no right to apply the lands, or the proceeds of them, to any other purposes, than for the *common benefit of all the States*; or to relinquish the administration of these lands to any other power or agent, for the compact is, that the lands *shall be settled, at such time, and in such manner as Congress shall prescribe*. The gentleman from South Carolina had admitted that the lands were pledged for the public debt; but there was an earlier mortgage, coeval with the cessions by the States. Mr Webster drew a powerful picture of what Ohio was, and of what she now is, and inferred from the contrast, that no hard and harsh system of policy had been pursued toward her. In regard to the danger of corruption, from considering the lands as a common fund, he said they had been appropriated for education; does education corrupt? is the school-master a corrupter of youth? for roads and canals; do good roads and navigable waters corrupt the people? There were men, who seemed to deprecate everything which created a common interest in the States to keep together! In was called consolidation. For his part he liked it; it was constitutional consolidation; it was Gen. Washington's consolidation! In the letter, submitting the Constitution, the framers of it used these words, 'consolidation of the

Union.' He [Mr W.] was a *unionist*, and in this sense, a *national republican*. And in regard to the public debt, though he wished it discharged as onerous to the industry of the country, yet if a collateral consequence of it were to add a new bond to the Union, he should not regret that consequence.

But the tariff, and the East, the obnoxious, the rebuked, and always reproached East! The tariff was not a measure of the East: on the contrary, until the policy was irrevocably adopted, she always opposed it. Up to the year 1824, Virginia had given more votes in favor of it than Massachusetts. The State of Massachusetts was then blamed because she would not vote for it, and now she is blamed, because, accommodating herself to the situation into which she was forced, she votes for it! • Mr Webster adverted to the ordinance of 1787, by which our present system, in regard to the settlement and admission of new States, north of the Ohio, had been established, and to the great advantage secured to Ohio by the exclusion of slavery. That ordinance was drawn by Nathan Dane, of Massachusetts; and for wisdom, it was not surpassed by the legislation of Numa or Solon. This had not only excluded slavery but litigation, preventing land from being *shingled* over with titles thirty deep, as was the case south of the Ohio. Mr Webster here went into an analysis of votes on measures for the benefit of the West, for the making and repairs of Cumberland Road, for Louisville and Portland Canal,

for the Wabash Canal, &c, and showed that if the Eastern votes were stricken out, those and similar measures would have been lost, and the improvements never made. And here Mr Webster read from a report of a debate, in the house of Representatives, in 1825, in which Mr McDuffie, of South Carolina, had advanced and supported the sentiment, that it would have been better for the prosperity and wealth of the old thirteen States, if no lands had ever been sold or settled; that the whole southern country was decaying, by her population being absorbed in the vortex of new States. In the same debate, Mr Webster had replied to Mr McDuffie, and expressed his willingness that the population should go where Providence and their own ideas of profit and happiness led them. He said that the remarks of the gentleman from South Carolina opened to him some new views of policy. He [Mr W.] knew that some States had very bad roads. He thought he could now see the reason. It was that the inhabitants might not be *able* to go away! These extracts showed that in 1825, the leading representative from South Carolina had expressed, and the whole delegation of that State had acquiesced in those illiberal, narrow, anti-emigration feelings and views, which the gentleman from South Carolina had now charged upon Massachusetts and the Atlantic States of the North; and that a representative from Massachusetts had combatted, with argument and ridicule, those feelings and views, and had professed and advocated

the liberal sentiments, in regard to emigration, for which the gentleman from South Carolina now claimed exclusive credit.

Mr Webster concluded by observing, that during the whole fifteen years that he had been a representative or senator, he had never made so many remarks of a sectional character, as he had in the present debate; but while he stood here as the representative of Massachusetts, he would be her true representative, and by the blessing of God he would vindicate her character, motives, and history, from every imputation, *coming from a respectable source.*

Mr Benton, of Missouri, rose in reply. He said, that if it had depended on New England, — he would proclaim it to the world, — not a settlement would have been made in the West. He repeated his arguments in relation to the Spanish Treaty, and the non-settlement clause; he said the motive of the North, for acceding to the surrender of the navigation of the Mississippi, was to have Spain take train oil and codfish from us, *id est*, from *New England*. God save us, said Mr B., from such allies. He joined issue with the gentleman from Massachusetts, as to the benefits conferred by the East upon the West.

Thursday, January 21. Mr Chambers, of Maryland, hoped that the Senate would postpone the discussion until Monday, as Mr Webster, who had taken a part in it, and wished to be present at it, had unavoidable engagements out of the Senate, and could not conveniently attend.



Mr Hayne, of South Carolina, said that some things had fallen from the gentleman from Massachusetts, which had created sensations *here*, [touching his breast,] from which he would desire at once to relieve himself. The gentleman had discharged his weapon, and he [Mr H.] wished for an opportunity to return the fire!

Mr Webster. I am ready to receive it; let the discussion proceed.

Mr Benton, of Missouri, then continued his remarks, denying that the credit of framing the ordinance of 1787 was due to Nathan Dane; it belonged to Mr Jefferson and the South. Mr Benton said, that in New England there was a dividing line between the friends of the West, and those who thought it 'unbecoming a moral and religious people to rejoice at victory.' On one side was democracy; on the other, all that was opposed to democracy; the alliance of the latter party offered yesterday to the West, he begged leave, in behalf of the West, to decline. On all the questions in which the West had an interest, the South had been its friend; and the North, if not all, at least its leaders, enemies! Massachusetts, who now came forward to offer an alliance, was found, on every question, opposed to generous, magnanimous Virginia.

Mr Bell of New Hampshire, moved to postpone further discussion until Monday, which was negatived, Ayes 13, Noes 18.

Mr Hayne then said, when he took occasion, two days ago, to

throw out some ideas with respect to the policy of the Government in relation to the public lands, he did not expect to be called upon to meet such an argument as was urged by the gentleman from Massachusetts. I charged no party, or State, or section of country with hostility to any other, but ventured, I thought, in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. The gentleman from Missouri, [Mr Benton] it is true, had charged upon the Eastern States an early and continued hostility towards the West, and referred to a number of historical facts and documents in support of that charge. How have these different arguments been met? The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and instead of making up his issue with the gentleman from Missouri, on the charges which *he had preferred*, chooses to consider me as the author of those charges, and losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent. When I find a gentleman of mature age and experience — of acknowledged talents and profound sagacity — pursuing a course like this, declining the

contest from the West, and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view that he has not ventured to disclose. Why is this? If it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. The South shall not be forced into a conflict not its own. The gallant West needs no aid from the South to repel any attack which may be made on them from any quarter.

The gentleman, in commenting on the policy of the Government, in relation to the new States, has introduced to our notice a certain *Nathan Dane*, of Massachusetts, to whom he attributes the celebrated Ordinance of '87, by which he tells us, '*slavery* was forever excluded from the new States north of the Ohio.' After eulogizing the wisdom of this provision, in terms of the most extravagant praise, he breaks forth in admiration of the greatness of *Nathan Dane*. It is a little unfortunate for the fame of this great legislator, that the gentleman from Missouri should have proved that he was not the author of the Ordinance of '87. I doubt not the Senator will feel some compassion for our ignorance, when I tell him, that so little are we acquainted with the modern great men of New England, that until he informed us yesterday, that we possessed a *Solon* and a *Lycurgus*, in the person of *Nathan Dane*, he was only known to the South as a member of a celebrated assembly,

called and known by the name of the '*Hartford Convention*.' In the proceedings of that assembly, which I hold in my hand, will be found, in a few lines, the history of *Nathan Dane*; and a little further on, there is conclusive evidence of that ardent devotion to the interests of the new States, which it seems has given him a just claim to the title of '*Father of the West*.' By the second resolution of the '*Hartford Convention*,' it is declared, '*that it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States, and admit them into the Union.*' So much for *Nathan Dane*, of *Beverly*, *Massachusetts*.

In commenting upon my views, in relation to the public lands, the gentleman insists, that it being one of the conditions of the grants, that these lands should be applied to '*the common benefit of all the States, they must always remain a fund for revenue*;' and adds, '*they must be treated as so much treasure.*' I think he has applied a rule of construction too narrow for the case. If in the deeds of cession, it has been declared that the grants were intended for '*the common benefit of all the States*,' it is clear, from other provisions, that they were not intended merely as *so much property*; for it is expressly declared, that the object of the grants is the erection of new States; and the United States, in accepting this trust, bind themselves to facilitate the foundation of these States, to be admitted into the Union, with all the rights

and privileges of the original States. This, sir, was the great end to which all parties looked, and it is by the fulfilment of this high trust that 'the common benefit of all the States' is to be best promoted. But if we are bound to act on these narrow principles, I am wholly at a loss to conceive how he can reconcile them with his own practice. The lands are, it seems, to be treated 'as so much treasure,' and must be applied to the 'common benefit of all the States.' Now, if this be so, whence does he derive the right to appropriate them for partial and local objects. How can he consent to vote away immense bodies of these lands, for canals in Indiana and Illinois, to the Louisville and Portland Canal, to Kenyon College, in Ohio, to schools for the deaf and dumb, and other objects of a similar description? If grants of this character can fairly be considered as made for the 'common benefit of all the States,' it can only be, because all the States are interested in the welfare of each—a principle which, carried to the full extent, destroys all distinction between local and national objects; and is certainly *broad enough* to embrace the principles for which I have ventured to contend. The true difference between us, I take to be this: the gentleman wishes to treat the public lands as a great treasure, just as so much money in the treasury, to be applied to all objects, constitutional and unconstitutional, to which the public money is now constantly applied. I consider it as a sacred

trust, which we ought to fulfil, on the principles for which I have contended.

The Senator from Massachusetts has thought proper to present, in strong contrast, the friendly feelings of the East towards the West, with sentiments of an opposite character displayed by the South, in relation to appropriations for *internal improvement*. That gentleman at the same time, acknowledged that the South entertains *constitutional scruples* on this subject. Are we then, sir, to understand that he considers it a just subject of reproach, that we respect our oaths, by which we are bound 'to preserve, protect and defend the Constitution of the United States?' No, sir, I will not do the gentleman so great injustice. He has fallen into this error from not having duly weighed the force and effect of the reproach which he was endeavoring to cast upon the South. In relation to the other point, the friendship manifested by New England towards the West, in their support of the system of internal improvement, the gentleman will pardon me for saying, that I think he is equally unfortunate in having introduced that topic. As he has forced it upon us, however, I cannot suffer it to pass unnoticed. When he tells us that the appropriations for internal improvement in the West, would, in almost every instance, have failed, but for New England votes, he has forgotten to tell us the *when*, the *how* and the *wherefore*, this new born zeal for the West sprung up in the bosom of New England. If we look back only a few years,

we will find, in both Houses of Congress, a uniform and steady opposition, on the part of the members from the Eastern States, generally, to all appropriations of this character?

It must be well known to every one whose experience dates back as far as 1825, that up to a *certain period*, New England was generally opposed to appropriations for internal improvements in the West. The gentleman from Massachusetts may be himself an exception, but if he went for the system before 1825, it is certain that his colleagues did not go with him. In the session of 1824 and 1825, however, (a memorable era in the history of this country) a wonderful change took place in New England, in relation to Western interests. An extraordinary union of sympathies and of interests was then effected, which brought the East and the West into close alliance. The book from which I have before read, contains the first public annunciation of that happy reconciliation of conflicting interests, personal and political, which brought the East and West together, and locked in a fraternal embrace the two great orators of the East and the West. Sir, it was on the 18th January, 1825, while the result of the Presidential election, in the House of Representatives, was still doubtful, while the whole country was looking with intense anxiety to that legislative hall, where the mighty drama was so soon to be acted, that we saw the leaders of two great parties in the house and in the nation, 'taking sweet counsel together,' and in a celebrated debate on the *Cum-*

*berland Road*, fighting side by side for *western interests*. It was on that memorable occasion that the Senator from Massachusetts *held out the white flag to the West*, and uttered those liberal sentiments, which he, yesterday, so indignantly repudiated. Then it was, that that happy union between the members of the celebrated *coalition* was consummated, whose immediate issue was a President from *one quarter of the Union*, with a succession, (as was supposed) *secured to another*. The 'American System,' before a rude, disjointed and misshapened mass, now assumed form and consistency. Then it was, that it became 'the settled policy of the Government,' that this system should be so administered as to create a reciprocity of interests, and a reciprocal distribution of government favors,—East and West, (the tariff and internal improvements) while the South—yes, sir, the impracticable South, was to be 'out of your protection.'

The gentleman from Massachusetts, in alluding to a remark of mine, that, before any, disposition could be made of the public lands, the *national debt*, (for which they stand pledged) must be first paid, took occasion to intimate 'that the *extraordinary fervor* which seems to exist in a *certain quarter* [meaning the South, sir] for the payment of the debt, arises from a disposition to *weaken the ties which bind the people to the Union*.' While he deals us this blow, he professes an ardent desire to see the debt speedily extinguished. He must excuse me, however, for feeling some distrust on that subject until

I find this disposition manifested by something stronger than professions. Sir, if I were at liberty to judge of the course which he would pursue, from the principles which he has laid down in relation to this matter, I should be bound to conclude, that he will be found acting with those with whom it is a darling object to prevent the payment of the public debt.

Sir, let me tell that gentleman, that the South repudiates the idea that a *pecuniary dependence* on the Federal Government is one of the legitimate means of holding the States together. A moneyed interest in the Government is essentially a *base interest*. The link which binds the public creditors, *as such*, to their country, binds them equally to all Governments, whether arbitrary or free. In a free Government, this principle of abject dependence, if extended through all the ramifications of society, must be fatal to liberty. Already have we made alarming strides in that direction. The entire class of manufacturers, the holders of stocks, with their hundreds of millions of capital, are held to the Government by the strong link of *pecuniary interests*; millions of people, entire sections of country, interested, or believing themselves to be so, in the public lands, and the public treasure, are bound to the Government by the expectation of *pecuniary favors*. If this system is carried much farther, no man can fail to see, that every generous motive of attachment to the country will be destroyed, and in its place will spring up those low, grovelling, base and

selfish feelings which bind men to the footstool of a despot by bonds as strong and enduring as those which attach them to free institutions.

The honorable gentleman from Massachusetts has gone out of his way to pass a high eulogium on the State of Ohio. In the most impassioned tones of eloquence, he described her majestic march to greatness. He told us that, having already left all the other States far behind, she was now passing by Virginia and Pennsylvania, and about to take her station by the side of New York. To all this I was disposed most cordially to respond. When, however, he proceeded to contrast the State of Ohio with Kentucky, to the disadvantage of the latter, I listened to him with regret; and when he proceeded further to attribute the great, and, as he supposed, acknowledged superiority of the former in population, wealth, and general prosperity, to the policy of Nathan Dane, of Massachusetts, which had secured to the people of Ohio, (by the Ordinance of '87) a *population of free men*, I will confess that my feelings suffered a revulsion, which I am now unable to describe in any language sufficiently respectful towards the gentleman from Massachusetts. In contrasting the State of Ohio with Kentucky, for the purpose of pointing out the *superiority of the former*, and of attributing that superiority to the *existence of slavery* in the one State, and its absence in the other, I thought I could discern the *very spirit of the Missouri question* intruded into this debate, for objects best known to

the gentleman himself. Did that gentleman, when he formed the determination to cross the southern border, in order to invade the State of South Carolina, deem it prudent or necessary to enlist under his banners *the prejudices of the world*, which, like *Swiss troops*, may be engaged in any cause, and are prepared to serve under any leader? Or was it supposed that, in a premeditated and unprovoked attack upon the South, it was advisable to begin by a gentle admonition of *our supposed weakness*, in order to prevent us from making that firm and manly resistance, due to our own character and our dearest interest? Mr President, the impression which has gone abroad, of the *weakness of the South*, as connected with *the slave question*, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion presented by the remarks of the gentleman of Massachusetts, to declare that we are ready to meet the question promptly and fearlessly.

We are ready to make up the issue with the gentleman, as to the influence of slavery on individual and national character — on the prosperity and greatness, either of the United States, or of particular States. When arraigned before the bar of public opinion, on this charge of slavery, we can stand up with conscious recitude, plead not guilty, and put ourselves upon God and our country. We will not stop to inquire whether the black man, as some philosophers have contended, is of an inferior race, nor

whether his color and condition are the effects of a curse inflicted for the offences of his ancestors? We deal in no *abstractions*. We will not look back to inquire whether our fathers were guiltless in introducing slaves into this country. If an inquiry should ever be instituted in these matters, however, it will be found that the profits of the slave trade were not confined to the South. Southern ships and Southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profits of that 'accursed traffic.' But we will pass over all this. If slavery, as it now exists in this country, be an evil, we of the present day, *found it ready made to our hands*. Finding our lot cast among a people whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a practical question of *obligation and duty*. We resolved to make the best of the situation in which Providence had placed us, and to fulfil the high trust which had devolved upon us as the owners of slaves, in the only way in which such a trust could be fulfilled without spreading misery and ruin throughout the land. We found that we had to deal with a people whose physical, moral and intellectual habits and character, totally disqualified them from the enjoyment of the blessings of freedom. We could not send them back to the shores from whence their fathers had been taken; their numbers forbade the thought, even if we did not know that their condition here

is infinitely preferable to what it possibly could be among the barren sands and savage tribes of Africa; and it was wholly irreconcilable with all our notions of humanity to tear asunder the tender ties which they had formed among us, to gratify the feelings of a false philanthropy. . .

When the gentleman from Massachusetts adopts and reiterates the old charge of weakness as resulting from slavery, I must be permitted to call for the proof of those blighting effects which he ascribes to its influence.

It is a popular error to suppose that, in any possible state of things, the people of a country could be called out *en masse*, or that half, or a third, or even a fifth part of the physical force of any country could ever be brought into the field. The difficulty is not to procure men, but to provide the *means of maintaining them*; and in this view of the subject it may be asked whether the Southern States are not a source of *strength* and *power*, and not of *weakness* to the country?

I know it has been supposed by certain ill-informed persons, that the South exists only by the countenance and protection of the North. This is the idlest of all idle and ridiculous fancies that ever entered into the mind of man. In every state of this Union, except one, the free white population actually preponderates; while in the British West India Islands, (where the average white population is *less than ten per cent of the whole*) the slaves are kept in entire subjection; it is preposterous to suppose that the

Southern States could ever find the smallest difficulty in this respect. On this subject, as on all others, we ask nothing of our Northern brethren but to 'let us alone.' Leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more.

But, whatever difference of opinion may exist as to the effect of slavery on national wealth and prosperity, if we may trust to experience, there can be no doubt that it has never yet produced any injurious effect on *individual or national character*. Look through the whole history of the country, from the commencement of the revolution down to the present hour; where are there to be found brighter examples of intellectual and moral greatness, than have been exhibited by the sons of the South? From the FATHER OF HIS COUNTRY, down to the DISTINGUISHED CHIEFTAIN, who has been elevated by a grateful people to the highest office in their gift, the interval is filled up by a long line of orators, of statesmen, and of heroes, justly entitled to rank among the ornaments of their country, and the benefactors of mankind. Look at the Old Dominion, great and magnanimous Virginia, 'whose jewels are her sons.' Is there any State in this Union which has contributed so much to the honor and welfare of the country? Sir, I will yield the whole question—I will acknowledge the fatal effects of slavery upon character, if any one can say, that for noble disinterestedness, ardent love of country,

exalted virtue, and a pure and holy devotion to liberty, the people of the Southern States have ever been surpassed by any in the world.

In the course of my former remarks, Mr President, I took occasion to deprecate, as one of the greatest evils, *the consolidation of this Government*. The gentleman takes alarm at the sound. 'Consolidation, like the tariff,' grates upon his ear. He tells us 'we have heard much of late about consolidation; that it is the rallying word for all who are endeavoring to weaken the Union, by adding to the power of the States.' But consolidation (says the gentleman) was the very object for which the Union was formed; and, in support of that opinion, he read a passage from the address of the President of the Convention to Congress, which he assumes to be authority on his side of the question. The gentleman is mistaken. The object of the framers of the Constitution, as disclosed in that address, was not the *consolidation of the Government*, but 'the consolidation of the Union.' It was not to draw power from the States in order to transfer it to a great National Government, but, in the language of the Constitution itself, 'to form a *more perfect Union*,' — and by what means? By 'establishing justice, promoting domestic tranquillity, and securing the blessings of liberty to ourselves and our posterity.' But, according to the gentleman's reading, the object of the Constitution was to *consolidate the Government*, and the means would seem to be, the

promotion of *injustice*, causing domestic *discord*, and depriving the States and the people 'of the blessings of liberty' forever.

The gentleman boasts of belonging to the party of NATIONAL REPUBLICANS. National Republicans! — a new name, for a very old thing. The national republicans of the present day were the *federalists* of '98, who became *federal republicans* during the war of 1812, and were *manufactured* into *national republicans* somewhere about the year 1825. *As a party*, (by whatever name distinguished,) they have always been animated by the same principles, and have kept steadily in view a common object, *the consolidation of the Government*. The party to which I am proud of having belonged, from the very commencement of my political life to the present day, were the *Democrats* of '98, (*Anarchists, Anti-Federalists, Revolutionists*, I think they were sometimes called.) They assumed the name of *Democratic Republicans* in 1822, and have retained their name and principles up to the present hour. True to their political faith, they have always, *as a party*, been in favor of *limitations of power*: they have insisted that all powers not delegated to the Federal Government, are reserved; and have been constantly struggling, as they now are, to preserve the rights of the States, and to prevent them from being swallowed up by one great consolidated government.

The true distinction between these parties is laid down in a celebrated manifesto issued by the Convention of the Federalists of



Massachusetts, assembled in Boston, in February, 1824, on the occasion of organizing a party opposition to the reelection of Governor Eustis. The gentleman will recognise this as 'the canonical book of political scripture;' and it instructs us that, 'when the American Colonies redeemed themselves from British bondage, and became so many *independent nations*, they proposed to form a NATIONAL UNION — (not a *federal* Union, sir, but a National Union.) Those who were in favor of a *union of the States, in this form*, became known by the name of *federalists*; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of *anti-federalists*.

The honorable gentleman from Massachusetts, while he exonerates me personally, from the charge, intimates that there is a party in the country who are looking to disunion. If he had stopped there, the accusation would have 'passed by me as the idle wind which I regard not.' But when he goes on to give to his accusation a local habitation and a name, by quoting the expression of a distinguished citizen of South Carolina, (Dr Cooper) 'that it was time for the South to calculate the value of the Union,' and in the language of the bitterest sarcasm, adds, 'surely then the Union cannot last longer than July, 1831,' — it is impossible to mistake either the allusion, or the object of the gentleman. The Senate will do me the justice to remember, that at the time this unprovoked and uncalled for at-

tack was made upon the South, not one word had been uttered by me, in disparagement of New England, nor had I made the most distant allusion either to the Senator from Massachusetts, or the State he represents. But, that gentleman has thought proper, for purposes best known to himself, to strike the South, through me, the most unworthy of her servants. He has crossed the border, he has invaded the State of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and her institutions. When he provokes me to such a conflict, I meet him at the threshold.

It is with unfeigned reluctance, Mr President, that I enter upon the performance of this part of my duty — I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings, and sectional jealousies. But the task has been forced upon me; and I proceed right onward to the performance of my duty. Be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone; and if he shall find, according to a homely adage, 'that he lives in a glass house' — on his head be the consequences. If there be one State in the Union, Mr President, (and I say it not in a boastful spirit) that may challenge comparisons with any other for a uniform, zealous, ardent and uncalculating devotion to the Union, that State is South Carolina. From the very com-

mencement of the Revolution up to this hour, there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform. She has adhered to you in your prosperity; but in your adversity she has clung to you with more than filial affection.

What, sir, was the conduct of the South during the Revolution? I honor New England for her conduct in that glorious struggle. But great as is the praise which belongs to her, I think at least equal honor is due to the South. They espoused the quarrel of their brethren, with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother country, possessed of neither ships nor seamen to create a commercial rivalry, they might have found in their situation a guarantee, that their trade would be forever fostered and protected by Great Britain. But trampling on all considerations either of interest or of safety, they rushed into the conflict, and fighting for principle, perilled all, in the sacred cause of freedom. Never was there exhibited in the history of the world higher examples of noble daring, dreadful suffering and heroic endurance, than by the whigs of Carolina, during the Revolution. The whole State, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The 'plains of Carolina' drank up the most precious blood of her citizens! Black and

smoking ruins marked the places which had been the habitations of her children! Driven from their homes, into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina (sustained by the example of her Sumpters and her Marions,) proved by her conduct, that though her soil might be overrun, the spirit of her people was invincible.

But our country was soon called upon to engage in another revolutionary struggle, and that too was a struggle for principle. I mean the political revolution which dates back to '98, and which, if it had not been successfully achieved, would have left us none of the fruits of the revolution of '76. The revolution of '98 restored the Constitution, rescued the liberty of the citizen from the grasp of those who were aiming at its life, and in the emphatic language of Mr Jefferson, 'saved the Constitution at its last gasp.' And by whom was it achieved? By the South, aided only by the democracy of the North and West.

I come now to the war of 1812, a war which I well remember was called in derision, (while its event was doubtful,) the Southern war, and sometimes the Carolina war; but which is now universally acknowledged to have done more for the honor and prosperity of the country, than all other events in our history put together. What were the objects of that war? 'Free trade and sailors' rights!' It was for the protection of Northern shipping and New England seamen; that the country flew to arms. What interest had the

South in that contest? If they had sat down coolly to calculate the value of their interests involved in it, they would have found that they had everything to lose, and nothing to gain. But with that generous devotion to country so characteristic of the South, they only asked, if the rights of any portion of their fellow-citizens had been invaded; and when told that Northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and acting on that exalted sentiment 'which feels a stain like a wound,' they resolved to seek in open war, for a redress of those injuries, which it did not become freemen to endure. The whole South, animated as by a common impulse, cordially united in declaring and promoting that war. South Carolina sent to your councils, as the advocates and supporters of that war, the noblest of her sons. How they fulfilled that trust, let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed in any degree, to the success of that war, to which Southern councils and Southern valor did not largely contribute. Since South Carolina is assailed, I must be suffered to speak it to her praise, that at the very moment when in one quarter, we heard it solemnly proclaimed 'that it did not become a religious and moral people to rejoice at the victories of our army or our navy,' her Legislature unanimously

'Resolved, That we will cordially support the Government in

the vigorous prosecution of the war, until a peace can be obtained on honorable terms, and we will cheerfully submit to every privation that may be required of us, by our Government, for the accomplishment of this object.'

South Carolina redeemed that pledge.\* She threw open her treasury to the Government. She put at the absolute disposal of the officers of the United States all that she possessed — her men, her money and her arms. She appropriated half a million of dollars, on her own account, in defence of her maritime frontier, ordered a brigade of State troops to be raised, and when left to protect herself by her own means, never suffered the enemy to touch her soil, without being instantly driven off or captured.

Such was the conduct of the South — such the conduct of my own State in that dark hour 'which tried men's souls.'

When I look back and contemplate the spectacle exhibited at that time, in another quarter of the Union, when I think of the conduct of certain portions of New England, and remember the part which was acted on that memorable occasion by the political associates of the gentleman from Massachusetts — nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war, I am indeed astonished that he should venture to touch upon the topics which he has introduced into this debate. South Carolina reproached by Massachusetts! And from whom

does the accusation come? Not from the Democracy of New England; for they have been in times past, as they are now, the friends and allies of the South. No, sir, the accusation comes from that party, whose acts, during the most trying and eventful period of our national history, were of such a character that their own Legislature, but a few years ago, actually blotted them out from their records, as a stain upon the honor of the country. But how can they ever be blotted out from the recollection of any one who had a heart to feel, a mind to comprehend and a memory to retain, the events of that day? I shall not attempt to write the history of the party in New England, to which I have alluded — the war party in peace, and the peace party in war. That task I shall leave to some future biographer of Nathan Dane, and I doubt not it will be found quite easy to prove that the peace party of Massachusetts were the only defenders of their country, during the war, and actually achieved all our victories by land and sea. In the meantime, sir, and until that history shall be written, I propose, with the feeble and glimmering lights which I possess, to review the conduct of this party, in connexion with the war, and the events which immediately preceded it.

It will be recollected that our great causes of quarrel with Great Britain, were her depredations on Northern commerce, and the imprisonment of New England seamen. From every quarter we were called upon for protection.

Importunate as the West is now represented to be, on another subject, the importunity of the East on that occasion was far greater. I hold in my hands the evidence of the fact. Here are petitions, memorials and remonstrances, from all parts of New England, setting forth the injustice, the oppressions, the depredations, the insults, the outrages, committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon Congress for redress.

The conduct of Great Britain, we were then told, was 'an outrage upon our national independence.' These clamors, which commenced as early as January, 1806, were continued up to 1812. In a message from the Governor of one of the New England States, as late as the 10th. of October, 1811, this language is held: 'A manly and decisive course has become indispensable: a course to satisfy foreign nations, that while we desire peace, we have the means and the spirit to repel aggression. We are false to ourselves, when our commerce or our territory is invaded with impunity.'

About this time, however, a remarkable change was observable in the tone and temper of those who had been endeavoring to force the country into a war. The language of complaint was changed into that of insult, and calls for protection, converted into reproaches.

The war at length came, and what did we behold? The very men who had been for six years

clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation; a new light had suddenly beamed upon their minds, the scales fell from their eyes, and it was discovered that the war was declared from 'subserviency to France;' and that Congress and the Executive 'had sold themselves to Napoleon;' that Great Britain had in fact 'done us no essential injury;' that she was 'the bulwark of our religion;' that where 'she took one of our ships, she protected twenty,' and that if Great Britain had impressed a few of our seamen, it was because 'she could not distinguish them from her own.' And so far did this spirit extend, that a committee of the Massachusetts Legislature actually fell to calculation, and discovered, to their infinite satisfaction, but to the astonishment of all the world beside, that only eleven Massachusetts sailors had ever been impressed. Wonderful discovery! The Secretary of State had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the *Guerriere*, the *Macedonian*, the *Java*, and other British ships (captured by the skill and gallantry of those heroes, whose achievements are the treasured monuments of their country's glory), fixed the number at seven thousand; and yet,

it seems, Massachusetts had lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of war indeed! Their ships, too, the capture of which had threatened 'universal bankruptcy,' it was discovered that Great Britain was their friend and protector; 'where she had taken one, she had protected twenty.' Then was the discovery made, that subserviency to France, hostility to commerce, 'a determination on the part of the South and the West to break down the Eastern States, and especially (as reported by a committee of the Massachusetts Legislature), 'to force the sons of commerce to populate the wilderness,' were the true causes of the war.\*

But let us look a little farther into the conduct of the peace party of New England, at that important crisis. Whatever difference of opinion might have existed as to the causes of the war, the country had a right to expect that when once involved in the contest, all America would have cordially united in its support. The war effected, in its progress, a union of all parties at the South. But not so in New England; there, great efforts were made to stir up the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the Government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union, to force the President from his seat. • Yes, 'sir, 'the Island

of Elba! or a halter!' were the alternatives they presented to the excellent and venerable James Madison. The war was further opposed by openly carrying on illicit trade with the enemy, by permitting that enemy to establish herself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate Custom House. Yes, sir, those who cannot endure the thought that we should insist on a free trade in time of profound peace, could without scruple claim and exercise the right of carrying on a free trade with the enemy in a time of war; and finally by getting up the renowned 'Hartford Convention,' and preparing the way for an open resistance to the Government, and a separation of the States. If I am asked for the proof of those things, I fearlessly appeal to cotemporary history, to the public documents of the country, to the recorded opinions, and acts of public assemblies, to the declaration and acknowledgments, since made, of the Executive and Legislature of Massachusetts herself.

Mr Hayne then proceeded to illustrate the prevailing feeling in the Eastern States during the war, by reading extracts from the Olive Branch, in which are collected quotations from the speeches of excited partisans, fast sermons of political divines, and essays in newspapers, with the design of proving the disaffection of the inhabitants of those States at that critical moment. He then said, that —

As soon as the public mind

was sufficiently prepared for the measure, the celebrated Hartford Convention was got up; not as an act of a few unauthorized individuals, but by authority of the Legislature of Massachusetts. I do not desire to call in question the motives of the gentlemen who composed that assembly. I knew many of them to be in private life accomplished and honorable men, and I doubt not there were some among them who did not perceive the dangerous tendency of their proceedings. I will even go further, and say, that if the authors of the Hartford Convention believed, that 'gross, deliberate, and palpable violations of the Constitution' had taken place, utterly destructive of their rights and interests, I should be the last man to deny their right to resort to any constitutional measures for redress. But, in any view of the case, the time when, and the circumstances under, which that convention assembled, as well as the measures recommended, render their conduct, in my opinion, wholly indefensible. Let us contemplate, for a moment, the spectacle then exhibited to the view of the world. I will not go over the disasters of the war, nor describe the difficulties in which the Government was involved. It will be recollected that its credit was nearly gone. Washington had fallen, the whole coast was blockaded, and an immense force collected in the West Indies was about to make a descent, which it was supposed we had no means of resisting. In this awful state of our public affairs, when the Government seemed almost

to be tottering on its base, when Great Britain, relieved from all her other enemies, had proclaimed her purpose of 'reducing us to unconditional submission' — we beheld the peace party of New England (in the language of the work before us), pursuing a course calculated to do more injury to their country, and to render England more effective service than all her armies. Those who could not find in their hearts to rejoice at our victories, sang *Te Deum* at the King's Chapel, in Boston, for the restoration of the Bourbons. Those who could not consent to illuminate their dwellings for the capture of the *Guerriere*, could give visible tokens of their joy at the fall of Detroit. The 'beacon fires' of their hills were lighted up, not for the encouragement of their friends, but as signals to the enemy; and in the gloomy hours of midnight, the very lights burned blue. Such were the dark and portentous signs of the times, which ushered into being the renowned Hartford Convention. That convention met, and from their proceedings it appears, that their chief object was to keep back the men and money of New England from the service of the Union, and to effect radical changes in the Government — changes that can never be effected without a dissolution of the Union.

It is unnecessary to trace the matter further, or to ask what would have been the next chapter in this history, if the measures recommended had been carried into effect; and if, with the men

and money of New England withheld from the Government of the United States, she had been withdrawn from the war; if New Orleans had fallen into the hands of the enemy, and if, without troops and almost destitute of money, the Southern and the Western States had been thrown upon their own resources for the prosecution of the war, and the recovery of New Orleans? Whatever may have been the issue of the contest, the Union must have been dissolved. But a wise and just Providence, which 'shapes our ends, rough-hew them as we will,' gave us the victory, and crowned our efforts with a glorious peace. The Ambassadors of Hartford were seen retracing their steps from Washington, 'the bearers of the glad tidings of great joy.' Courage and patriotism triumphed — the country was saved — the Union was preserved. And are we, Mr President, who stood by our country then; who threw open our coffers; who bared our bosoms; who freely perilled all in that conflict, to be reproached with want of attachment to the Union? If we are to have lessons of patriotism read to us, they must come from a different quarter.

Mr President, I wish it to be distinctly understood, that all the remarks I have made on this subject, are intended to be exclusively applied to a party, which I have described as the 'peace party of New England.' Sir, nothing has been further from my thoughts than to impeach the character or conduct of the people of New England. For their steady

habits and hardy virtues, I trust I entertain a becoming respect. I fully subscribe to the truth of the description given before the Revolution, by one whose praise is the highest eulogy, 'that the perseverance of Holland, the activity of France, and the dexterous and firm sagacity of English enterprise, have been more than equalled by this "recent people."' Hardy, enterprising, sagacious, industrious, and moral, the people of New England of the present day, are worthy of their ancestors. Still less, Mr President, has it been my intention to say anything that could be construed into a want of respect for that party, who, trampling on all narrow, sectional feelings, have been true to their principles in the worst of times—I mean the Democracy of New England.

I will declare, that, highly as I appreciate the democracy of the South, I consider even higher praise to be due to the democracy of New England, who have maintained their principles 'through good and through evil report,' who, at every period of our national history, have stood up manfully for 'their country, their whole country, and nothing but their country.' In the great political revolution of '98, they were found united with the democracy of the South, marching under the banner of the constitution, led on by the patriarch of liberty, in search of the land of political promise, which they lived not only to behold, but to possess and to enjoy. Again, in the darkest and most gloomy period of the war, when our country stood single handed,

against 'the conqueror of the conquerors of the world,' when all about and around them was dark and dreary, disastrous and discouraging, they stood, a Spartan band, in that narrow pass, where the honor of their country was to be defended, or to find its grave. And in the last great struggle, involving, as we believe, the very existence of the principle of popular sovereignty, where were the democracy of New England? Where they always have been found, struggling side by side, with their brethren of the South and the West, for popular rights, and assisting in that glorious triumph, by which the man of the people was elevated to the highest office in their gift.

Who, then, Mr President, are the true friends of the Union? Those who would confine the Federal Government strictly within the limits prescribed by the Constitution; who would preserve to the States and the people all powers not expressly delegated; who would make this a federal and not a national Union, and who, administering the Government in a spirit of equal justice would make it a blessing, and not a curse. And who are its enemies? Those who are in favor of consolidation—who are constantly stealing power from the States, and adding strength to the Federal Government. Who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. But, of all descriptions of men, I consider those as the worst enemies of



the Union, who sacrifice the equal rights which belong to every member of the confederacy, to combinations of interested majorities, for personal or political objects.

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy, by the exercise of its sovereign authority, against 'a gross, palpable, and deliberate violation of the Constitution.' He calls it 'an idle' or 'a ridiculous' notion, or something to that effect, and added, that it would make the Union 'a mere rope of sand.' As the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies, and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the legislature in December, 1828, and published by their authority, is the good old republican doctrine of '98 — the doctrine of the celebrated 'Virginia Resolutions' of that year, and of 'Madison's Report' of '99. It will be recollected that the legislature of Virginia in December, '98, took into consideration the Alien and Sedition laws, then considered by all republicans as a gross violation

of the Constitution of the United States, and on that day passed, among others, the following resolutions.

'The General Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.'

In addition to the above resolution, the General Assembly of Virginia 'appeal to the other States, in the confidence that they would concur with that Commonwealth, that the acts aforesaid [the alien and sedition laws] are unconstitutional, and that the necessary and proper measures would be taken by each for cooperating with Virginia in maintaining unimpaired the authorities, rights and liberties, reserved to the States respectively, or to the People.'

The Legislatures of several of the New England States having, contrary to the expectation of the Legislature of Virginia, expressed their dissent from these doctrines; the subject came up again for

consideration, during the session of 1799, 1800, when it was referred to a select committee, by whom was made that celebrated report, which is familiarly known as 'Madison's Report,' and which deserves to last as long as the Constitution itself. In that report, which was subsequently adopted by the Legislature, the whole subject was deliberately re-examined, and the objections urged against the Virginia doctrines carefully considered. The result was, that the Legislature of Virginia re-affirmed all the principles laid down in the resolutions of 1798, and issued to the world that admirable report, which has stamped the character of Mr Madison as the preserver of that Constitution which he had contributed so largely to create and establish.

But our authorities do not stop here. The State of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted those celebrated resolutions, well known to have been penned by the Author of the Declaration of American Independence. In those resolutions the Legislature of Kentucky declares 'That the government created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party had an equal right to judge for itself, as well of infractions as of the mode and measure of redress.'

At the ensuing session of the Legislature, the subject was re-examined, and on the 14th November, 1799, the resolutions of the preceding year, were deliberately reaffirmed, and it was among other things solemnly declared :

'That if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State Governments, and the erection upon their ruins of a general consolidated government will be the inevitable consequence. The principles of construction contended for by sundry of the State Legislatures, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers. That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction, and that a nullification by those sovereignties, of all authorized acts done under color of that instrument, is the rightful remedy.'

Time and experience confirmed Mr Jefferson's opinion on this all important point. In the year 1821, he expressed himself in this emphatic manner. 'It is a fatal heresy to suppose that either our State Governments are superior to the Federal, or the Federal to the State; neither is authorized literally to decide which

belongs to itself or its copartner in government ; in differences of opinion, between their different sets of public servants the appeal is to neither, but to their employers peaceably assembled by their representatives in Convention.' The opinion of Mr Jefferson on this subject has been so repeatedly and so solemnly expressed, that they may be said to have been among the most fixed and settled convictions of his mind.

In the protest prepared by him for the Legislature of Virginia, in December, 1825, in respect to the powers exercised by the Federal Government in relation to the Tariff, and Internal Improvements, which he declares to be 'usurpations of the powers retained by the States, mere interpolations into the compact, and direct infractions of it,'—he solemnly reasserts all the principles of the Virginia resolutions of '98—protests against 'these acts of the Federal branch of the Government as null and void, and declares that although Virginia would consider a dissolution of the Union as among the greatest calamities that could befall them, yet it is not the greatest. There is one yet greater—submission to a Government of unlimited powers. It is only when the hope of this shall become so absolutely desperate that further forbearance could not be indulged.'

Such, sir, are the high and imposing authorities in support of 'the Carolina doctrine,' which is in fact the doctrine of the Virginia resolutions of 1798.

At that day the whole country was divided on this very question.

It formed the line of demarcation between the federal and republican parties, and the great political revolution which then took place, turned upon the very question involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr Jefferson, 'saved at its last gasp.' I should suppose it would require more self-respect than any gentleman here would be willing to assume, to treat lightly, doctrines derived from such high sources. Resting on authority like this, I will ask gentlemen, whether South Carolina has not manifested a high regard for the Union, when under a tyranny ten times more grievous than the alien and sedition laws, she has hitherto gone no farther than to petition, remonstrate, and to solemnly protest against a series of measures which she believes to be wholly unconstitutional, and utterly destructive of her interests. South Carolina has not gone one step farther than Mr Jefferson himself was disposed to go in relation to the present subject of our present complaints—not a step farther than the statesmen from New England were disposed to go under similar circumstances; no farther than the senator from Massachusetts himself once considered as 'within the limits of a constitutional opposition.' The doctrine that it is the right of a State to judge of the violations of the Constitution on the part of the Federal Government, and to protect her citizens from the operations of unconstitutional laws, was held by the enlightened citi-

zens of Boston, who assembled in Faneuil hall, on the 25th of January, in 1809. They state, in that celebrated memorial, that 'they looked only to the State legislature, who were competent to devise relief against the unconstitutional acts of the General Government. That your power, (say they) is adequate to that object, is evident from the organization of the confederacy.'

A distinguished senator from one of the New England States, (Mr Hillhouse,) in a speech delivered here, on a bill for enforcing the embargo, declared — 'I feel myself bound in conscience to declare, (lest the blood of those who shall fall in the execution of this measure shall be on my head,) that I consider this to be an act which directs a mortal blow at the liberties of my country — an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit.'

And the senator from Massachusetts, himself, in a speech delivered on the same subject in the other House, said, 'this opposition is constitutional and legal; it is also conscientious. It rests on settled and sober conviction, that such policy is destructive to the interests of the people, and dangerous to the being of Government. The experience of every day confirms these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles, nor awed by any dangers. They know the limit of constitutional opposition; up to that limit, at their own discre-

tion, they will walk, and walk fearlessly.' How 'the being of the Government' was to be endangered by 'constitutional opposition' to the embargo, I leave to the gentleman to explain.

Thus, will be seen, Mr President, that the South Carolina doctrine is the republican doctrine of '98; that it was promulgated by the fathers of the faith — that it was maintained by Virginia and Kentucky in the worst of times — that it constituted the very pivot on which the political revolution of that day turned, — that it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt, when they believed themselves to be the victims of unconstitutional legislation. As to the doctrine that the Federal Government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal Government, in all or any of its departments, are to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the Constitution shall be overleaped, this is practically a 'government without limitation of powers.' The States are at once reduced to mere petty corporations, and the people are

entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina, to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved — a firm, manly, and steady resistance against usurpation. The measures of the Federal Government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest, a principle, which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the Federal Government, and leaves them nothing they can call their own. If the measures of the Federal Government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred — resistance to unauthorized taxation. These are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No! but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave. If in acting on these high motives — if animated by that ardent love of liberty which has always been the most prominent trait in the Southern character — we should be

hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his bosom, that would not be disposed, in the language of Burke, to exclaim, 'You must pardon something to the spirit of liberty!'

This speech, addressed as it was to the local prejudices of the South and West, and obviously with a view of uniting those great sections of the country, in a crusade against the predominant party in the Eastern States, called up Mr Webster in a reply, which for power and effect, never was surpassed on the floor of Congress. From the pointed and marked character of the attack, and the manner in which the speech of Mr Hayne was eulogized throughout the country, by the friends of the administration, it was evident that they believed a fatal blow had been aimed at the political standing of the Senator from Massachusetts.

The reply, however, was yet to come, and his acknowledged ability caused some apprehension as to the result. Public attention was strongly excited, and the Senate Chamber was crowded to overflowing, in expectation of the reply. Following Mr Hayne in debate, Mr Webster commenced by remarking upon the manner in which they had wandered from the resolution before the Senate, and asked the Secretary to read the resolution. He then proceeded.

We have thus heard, sir, what the resolution is which is actually before us for consideration; and it

will readily occur to every one that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has now been entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present—everything, general or local, whether belonging to national politics or party politics, seems to have attracted more or less of the honorable member's attention, save only the resolution before us.

When this debate was to be resumed, on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, which it was kind thus to inform us was coming, that we might stand out of the way, or prepare ourselves to fall before it, and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded by it, it is not the first time in the history of human affairs that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

But the gentleman inquires why he was made the object of such a reply? Why was he singled out? If an attack had been

made on the East, he, he assures us, did not begin it—it was the gentleman from Missouri. I answered the gentleman's speech because I happened to hear it; and because, also, I chose to give an answer to that speech, which if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible indorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But this interrogatory of the honorable member was only introductory to another. He proceeded to ask me, whether I had turned upon him, in this debate, from the consciousness that I should find an overmatch, if I ventured on a contest with his friend from Missouri. If the honorable member, *ex gratia modestiæ*, had chosen thus to defer to his friend, and to pay him a compliment, without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withheld from themselves. But the tone and manner of the gentleman's question, forbid me that I thus interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, a little of the loftiness of asserted superiority,

which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put, as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for myself in debate here. It seems, to me, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and over-matches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. The gentleman seems to forget where and what we are. 'This is a Senate; a senate of equals: of men of individual honor and personal character, and of absolute independence. We know no masters: we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, as a match for no man; I throw the challenge of debate at no man's feet. But then, since the honorable member has put the question, in a manner that calls for an answer, I will give him an answer; and I tell him, that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone, or when aided by the arm of his friend from South Carolina, that need deter, even me, from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say on the floor of the Senate. When uttered as matter of commendation or compliment,

I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as matter of taunt, I throw it back, and say to the gentleman that he could possibly say nothing less likely than such a comparison, to wound my pride of personal character. The anger of the tone rescued the remark from intentional irony, which, otherwise, probably, would have been its general acceptance. But, if it be imagined that by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part: to one the attack; to another the cry of onset; or, if it be thought that by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any, or all these things, will shake any purpose of mine, I can tell the honorable member once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. I shall not allow myself, on this occasion, I hope on no occasion, to be betrayed into any loss of temper, but, if provoked, and I trust I never shall allow myself to be, into crimination and recrimination, the honorable member may, perhaps, find, that, in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own, and that his impunity may perhaps, demand of him whatever powers of taunt and sarcasm he

may possess. I commend him to a prudent husbandry of his resources.

In the course of my observations the other day, Mr President, I paid a passing tribute of respect to a very worthy man, Mr Dane, of Massachusetts. It so happened that he drew the ordinance of 1787, for the government of the Northwestern Territory.

I spoke, of the ordinance of 1787, which prohibited slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight; and one which had been attended with highly beneficial and permanent consequences. I supposed, that on this point, no two gentlemen in the Senate could entertain different opinions. But the simple expression of this sentiment has led the gentleman, not only into a labored defence of slavery, in the abstract, and on principle, but, also, into a warm accusation against me, as having attacked the system of domestic slavery, now existing in the Southern States. For all this, there was not the slightest foundation, in anything said or intimated by me. I did not utter a single word, which any ingenuity could torture into an attack on the slavery of the South. I said only that it was highly wise and useful in legislating for the northwestern country, while it was yet a wilderness, to prohibit the introduction of slaves; and added, that I presumed, in the neighboring state of Kentucky, there was no reflecting and intelligent gentleman, who would doubt, that if the same prohibition had been extended, at the same early period,

over that commonwealth, her strength and population would, at this day, have been far greater than they are. If these opinions be thought doubtful, they are, nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody, and menace nobody. And yet, the gentleman's optics have discovered, even in the mere expression of this sentiment, what he calls the very spirit of the Missouri question! He represents me as making an onset on the whole South, and manifesting a spirit which would interfere with, and disturb their domestic condition! This injustice no otherwise surprises me, than as it is done here, and done without the slightest pretence of ground for it. I say it only surprises me, as being done here; for I know, full well, that it is, and has been the settled policy of some persons in the South, for years, to represent the people of the North as disposed to interfere with them, in their own exclusive and peculiar concerns. This is a delicate and sensitive point in southern feeling; and, of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole South against northern men or northern measures. But the feeling is without adequate cause, and the suspicion which exists, wholly groundless. There is not, and never has been, a disposition in the North to interfere with these interests of the South. Such interference has never been supposed to be within the power of Government; nor has it been in any way attempted. It has al-



ways been regarded as a matter of domestic policy, left with the States themselves, and with which the Federal Government had nothing to do. Certainly, I am, and ever have been, of that opinion. The gentleman, indeed, argues that slavery, in the abstract, is no evil. Most assuredly, I need not say I differ with him, altogether and most widely, on that point. I regard domestic slavery as one of the greatest of evils, both moral and political. But though it be a malady, and whether it be curable, and if so, by what means; or, on the other hand, whether it be the *vulnus immedicabile* of the social system, I leave it to those whose right and duty it is to inquire and to decide. The domestic slavery of the South, I leave where I find it—in the hands of their own Governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this Federal Government. We know, that the representation of the States in the other house is not equal. We know that great advantage, in that respect, is enjoyed by the slave holding States; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal; the habit of the Government being almost invariably to collect its revenues from other sources, and in other modes. Nevertheless, I do not complain: nor would I countenance any movement to alter this arrangement of representation. It is the

original bargain, the compact—let it stand: let the advantage of it be fully enjoyed. The Union itself is too full of benefit to be hazarded in propositions for changing its original basis. I go for the Constitution as it is, and for the Union as it is. But I am resolved not to submit, in silence, to accusations, either against myself individually, or against the North, wholly unfounded and unjust; accusations which impute to us a disposition to evade the constitutional compact and to extend the power of the Government over the internal laws and domestic condition of the States. All such accusations, wherever and whenever made, all insinuations of the existence of any such purposes, I know and feel to be groundless and injurious.

An attempt has been made to transfer, from the North to the South, the honor of this exclusion of slavery from the Northwestern Territory. The journal, without argument or comment, refutes such attempt. The cession by Virginia was made, March, 1784. On the 19th of April following, a committee, consisting of Messrs Jefferson, Chase, and Howell reported a plan for a temporary government of the territory, in which was this article; 'that, after the year 1800, there shall be neither slavery, nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been convicted.' Mr Speight, of North Carolina, moved to strike out this paragraph. The question was put, according to the form then practised: 'Shall these

words stand, as part of the plan?' &c. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania—seven states, voted in the affirmative. Maryland, Virginia, and South Carolina, in the negative. North Carolina was divided. As the consent of nine States was necessary, the words could not stand, and were struck out accordingly.—Mr Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year, [1785,] Mr King, of Massachusetts, seconded by Mr Ellery, of Rhode Island, proposed the formerly rejected article, with this addition: '*And that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States, and each of the States described in the resolve,*' &c. On this clause, which provided the adequate and thorough security, the eight Northern States at that time voted affirmatively, and the four Southern States negatively. The votes of nine States were not yet obtained, and thus the provision was again rejected by the Southern States. The perseverance of the North held out, and two years afterwards the object was attained. It is no derogation from the credit, whatever that may be, of drawing the ordinance, that its principles had before been prepared and discussed, in the form of resolution.

But the honorable member has now found out that this gentleman, Mr Dane, was a member of the Hartford Convention. However uninformed the honorable mem-

ber may be of characters and occurrences at the North, it would seem that he has at his elbow on this occasion some high-minded and lofty spirit, some magnanimous and true-hearted monitor, possessing the means of local knowledge, and ready to supply the honorable member with everything, down even to forgotten and moth-eaten two-penny pamphlets, which may be used to the disadvantage of his own country. But as to the Hartford Convention, allow me to say, that the proceedings of that body seem now to be less read and studied in New England, than farther South.—They appear to be looked to, not in New England, but elsewhere, for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose—they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a whole bar's length beyond it. The learned doctors of Colleton and Abbeville have pushed their commentaries on the Hartford Collect so far that the original text-writers are thrown entirely into the shade. I have nothing to do with the Hartford Convention. Its journal, which the gentleman has quoted, I never read. \*So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the Constitution, or tending to disunion, so far I shall be as ready

as any one to bestow on them reprehension and censure.

I need not repeat at large, the general topics of the honorable gentleman's speech. When he said, yesterday, that he did not attack the Eastern States, he certainly must have forgotten, not only particular remarks, but the whole drift and tenor of his speech; unless he means, by not attacking, that he did not commence hostilities—but that another had preceded him in the attack. He, in the first place, disapproved of the whole course of the Government, for forty years, in regard to its dispositions of the public land; and then, turning northward and eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the 'accursed policy' of the tariff, to which he represented the people of New England as wedded, he went on, for a full hour, with remarks, the whole scope of which was to exhibit the results of this policy, in feelings and in measures unfavorable to the West. I thought his opinions unfounded and erroneous, as to the general course of the Government, and ventured to reply to them.

The gentleman had remarked on the analogy of other cases, and quoted the conduct of European Governments, towards their own subjects, settling on this continent, as in point, to show that we have been harsh and rigid in selling, when we should have given the public lands to settlers. I thought the honorable member had suffered his judgment to be betrayed by a false

analogy; that he was struck with an appearance of resemblance, where there was no real similitude.

But this is not the point of the debate. The real question between me and him is, where has the doctrine been advanced, at the South or at the East, that the population of the West should be retarded, or at least, need not to be hastened, on account of its effect to drain off the people from the Atlantic States? Is this doctrine, as has been alleged, of Eastern origin? Has the gentleman found anything by which he can make good his accusation? I submit to the Senate, that he has entirely failed; and as far as this debate has shown, the only person who has advanced such sentiments, is a gentleman from South Carolina, and a friend to the honorable member himself.

New England is guiltless of the policy of retarding western population, and of all envy and jealousy of the growth of the new States. Whatever there may be of that policy in the country, no part of it is hers.

We approach, at length, to a more important part of the honorable gentleman's observations. Since it does not accord with my views of justice and policy to give away the public lands altogether, as mere matter of gratuity, I am asked by the honorable gentleman on what ground it is, that I consent to vote them away in particular instances? How, he inquires, do I reconcile with these professed sentiments, my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers,

and particular institutions of education in the West? This leads, to the real and wide difference in political opinions between the honorable gentleman and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its objects and its terms; he, on the contrary, deems them all, if good at all, only local good. The interrogatory, which he proceeded to put, at once explains this difference. 'What interest,' asks he, 'has South Carolina in a canal in Ohio?' This very question develops the gentleman's whole political system; and its answer expounds mine. I look upon a road over the Alleghany, a canal round the Falls of the Ohio, or a canal or railway from the Atlantic to the western waters, as being objects large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to open his construction of the powers of the Government. On that system, Ohio and Carolina are different Governments, and different countries, connected here, it is true, by some slight and ill-defined bond of union, but in all main respects, separate and diverse. On that system, Carolina has no more interest in a canal in Ohio, than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public

work in Ohio. We narrow minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States, not as separated, but as united. We love to dwell on that Union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; States, united under the same General Government, having interests common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this Government, we look upon the States as one. We do not impose geographical limits, to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries beyond which public improvements do not benefit us. We who come here as agents and representatives of those narrow minded and selfish men of New England, consider ourselves as bound to regard, with equal eye, the good of the whole, in whatever is within our power of legislation. If a rail road or a canal, beginning in South Carolina, and ending in South Carolina, appeared to me to be of national importance and national magnitude, (believing, as I do, that the power of Government extends to the encouragement of works of that description,) if I were to stand up here, and ask, what interest has Massachusetts in a rail road in South Carolina, I should not be willing to face my constituents. These same narrow minded men

would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, in mind and heart, to embrace the whole, was not fit to be entrusted with the interest of any part. I do not desire to enlarge the powers of the Government, by unjustifiable construction; nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole: so far as respects the exercise of such a power, the States are one. It was the very object of the Constitution to create unity of interests to the extent of the powers of the General Government. In war and peace, we are one; in commerce one; because the authority of the General Government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting light-houses on the lakes, than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and flow of the tide; or of removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be power for one, there is power also for the other; and they are all and equally for the country.

There are other objects apparently more local, or the benefit of which is less general, towards which, nevertheless, I have concurred with others to give aid, by donations of land. It is proposed

to construct a road in or through one of the new States in which this Government possesses large quantities of land. Have the United States no right, as a great and untaxed proprietor; are they under no obligation to contribute to an object thus calculated to promote the common good of all the proprietors, themselves included? And even with respect to education, which is the extreme case, let the question be considered. In the first place, as we have seen, it was made matter of compact with these States, that they should do their part to promote education. In the next place, our whole system of land laws proceeds on the idea that education is for the common good; because, in every division, a certain portion is uniformly reserved and appropriated for the use of schools. And, finally, have not these new States singularly strong claims, founded on the ground already stated, that the Government is a great untaxed proprietor in the ownership of the soil. It is a consideration of great importance, that probably there is in no part of the country or of the world, so great a call for the means of education as in those new States; owing to the vast number of persons within those ages, in which education and instruction are usually received, if received at all. This is the natural consequence of recency of settlement and rapid increase. The census of these States shows how great a proportion of the whole population occupies the classes between infancy and manhood. These are the wide fields, and here is

the deep and quick soil for the seeds of knowledge and virtue ; and this is the favored season, the spring time for sowing them. Whatever the Government can fairly do towards these objects, in my opinion, ought to be done.

These, are the grounds, succinctly stated, on which my votes for grants of lands for particular objects rest ; while I maintain at the same time, that it is all a common fund, for the common benefit. Those who have a different view of the powers of the Government, of course, come to different conclusions, on these, as on other questions. I observed, when speaking on this subject before, that if we looked to any measure, — a road, a canal, or anything else, intended for the improvement of the West — it would be found that if the New England *ayes* were struck out of the list of votes, the southern *nocs* would always have rejected the measure. The truth of this has not been denied and cannot be denied. In stating this I thought it just to ascribe it to the constitutional scruples of the South, rather than to any other less favorable or less charitable cause. But no sooner had I done this, than the honorable gentleman asks, if I reproach him and his friends with their constitutional scruples ? Sir, I reproach nobody. I stated a fact, and gave the most respectful reason for it that occurred to me.

But how has the gentleman returned this respect for others' opinions ? His own candor and justice, how have they been exhibited towards the motives of others while he has been at so

much pains to maintain, what nobody has disputed, the purity of his own ? Why, sir, he has asked *when*, and *how*, and *why*, New England votes were found going for measures favorable to the West ; he has demanded to be informed whether all this did not begin in 1825, *and while the election of President was still pending* ? To these questions retort would be justified ; and it is both cogent, and at hand. Nevertheless, I will answer the inquiry not by retort, but by facts. I will tell the gentleman *when*, and *how*, and *why*, New England has supported measures favorable to the West. I have already referred to the early history of the Government — to the first acquisition of the lands — to the original laws for disposing of them and for governing the territories where they lie ; and have shown the influence of New England men and New England principles in all these leading measures. Coming to more recent times and to measures of a less general character, I have endeavored to prove that everything of this kind designed for western improvement, has depended on the votes of New England ; all this is true beyond the power of contradiction.

In 1820, (observe, Mr President,) in 1820, the people of the West besought Congress for a reduction in the price of lands. In favor of that reduction, New England with a delegation of forty members in the other house, gave thirtythree votes, and one only against it. The four Southern States, with fifty members,

gave thirtytwo votes for it, and seven against it. Again, in 1821, (observe again, sir, the time,) the law passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the West, and more especially to the Southwest. It authorized the relinquishment of contracts for lands, which had been entered into at high prices, and a reduction in other cases, of not less than 37 1-2 per cent on the purchase money. Many millions of dollars, six or seven, I believe, at least, probably much more, were relinquished by this law. On this bill New England, with her forty members, gave more affirmative votes than the four Southern States, with their fiftytwo or three members. These two are far the most important measures, respecting the public lands, which have been adopted within the last twenty years. They took place in 1820 and 1821. That is the time when. And as to the manner how, the gentleman already sees that it was by voting, in solid column, for the required relief; and lastly, as to the cause *why*, I tell the gentleman, it was because the members from New England thought the measures just and salutary; because they entertained towards the West neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened public men, to meet the exigency which had arisen in the West, with the appropriate measure of relief; because they felt it due to their own characters, and the characters of their New England predecessors in this Government,

to act towards the new States in the spirit of a liberal, patronizing, magnanimous policy.

Having recurred to these two important measures, in answer to the gentleman's inquiries, I must now beg permission to go back to a period still something earlier, for the purpose still farther of showing how much, or rather, how little reason there is for the gentleman's insinuation that political hopes, or fears, or party associations, were the grounds of these New England votes.

This government, Mr President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns, to be able to turn its thoughts inward, and look to the development of its vast internal resources. In the early part of President Washington's administration, it was fully occupied with organizing the government, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French Revolution blazed forth, as from a new opened volcano, and the whole breadth of the ocean did not entirely secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to government, and dividing public opinion, sprung out of the new state of our foreign relations, and were succeeded by others, and yet again by others, equally embarrassing, and equally exciting division and discord, through the long series of twenty years, till they finally issued in

the war with England. Down to the close of that war, no distinct, marked and deliberate attention had been given, or could have been given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the Government, in regard to objects connected with such improvement. • •

The peace, Mr President, brought about an entirely new, and a most interesting state of things; it opened to us other prospects, and suggested other duties; we ourselves were changed, and the whole world was changed. The pacification of Europe, after June 1815, assumed a firm and permanent aspect. The nations evidently manifested that they were disposed for peace; some agitation of the waves might be expected, even after the storm had subsided, but the tendency was, strongly and rapidly, towards settled repose.

It so happened, sir, that I was at that time a member of Congress, and, like others, naturally turned my attention to the contemplation of the newly altered condition of the country and of the world. It appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the Government would necessarily take a start in a new direction; because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, under the advantage of a neutral flag. But there were now no longer flags, either neutral or belligerent. • The harvest of neutrality had been great, but we had gathered it all. With the

peace of Europe, it was obvious there would spring up, in her circle of nations, a revived and invigorated spirit of trade, and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain European armies, nor our ships longer supply those, whom war had rendered unable to supply themselves. It was obvious, that, under these circumstances, the country would begin to survey itself, and to estimate its own capacity of improvement. And this improvement, how was it to be accomplished, and who was to accomplish it?

We were ten or twelve millions of people, spread over almost half a world. We were twentyfour states, some stretching along the same seaboard, some along the same line of inland frontier, and others on opposite banks of the same vast rivers. Two considerations at once presented themselves, in looking at this state of things, with great force. One was, that that great branch of improvement, which consisted in furnishing new facilities of intercourse, necessarily ran into different States, in every leading instance, and would benefit the citizens of all such States. No one State, therefore, in such cases, would assume the whole expense, nor was the cooperation of several States to be expected. Take the instance of the Delaware break-



water. It will cost several millions of money. Would Pennsylvania alone have ever constructed it? Certainly never, while this Union lasts, because it is not for her sole benefit. Would Pennsylvania, New Jersey and Delaware have united to accomplish it, at their joint expense? Certainly not, for the same reason.\* It could not be done, therefore, but by the General Government. The same may be said of the large inland undertakings, except that, in them, government, instead of bearing the whole expense, cooperates with others who bear a part. The other consideration is, that the United States have the means. They enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The custom-houses fill the general treasury, while the States have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions, with respect to the powers of government, in regard to internal affairs. It may not savor too much of self-commendation to remark, that with this object, I considered the Constitution, its judicial construction, its cotemporaneous exposition, and the whole history of the legislation of Congress under it; and I arrived at the conclusion, that government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as Internal Improvements. That conclusion was adopted, and acted on, even so early as 1816. And, Mr Presi-

dent, I have further to say, that I made up these opinions, and entered on this course of political conduct, *Teucro Duce*. Yes, sir, I pursued, in all this, a South Carolina track. I repeat, that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines first came to be considered and acted upon in Congress. The debate on the bank question, on the tariff of 1816 and on the direct tax, will show who was who, and what was what, at that time. The tariff of 1816, one of the plain cases of oppression and usurpation, from which, if the government does not recede, individual States may justly secede from the government, is, sir, in truth a South Carolina tariff, supported by South Carolina votes. But for those votes, it could not have passed in the form in which it did pass; whereas if it had depended on Massachusetts votes, it would have been lost. I do not say this to reproach South Carolina; I only state the fact, and I think it will appear to be true, that among the earliest and boldest advocates of the tariff, as a measure of protection, and on the express ground of protection, were leading gentlemen of South Carolina in Congress. The act, sir, then passed, and received on its passage the support of a majority of the representatives of South Carolina present and voting. This act is the first, in the order of those now denounced as plain usurpations. We see it daily in the list by the side of those of 1824, and 1828, as a case of manifest oppression, justifying disunion. I put it home

to the honorable member from South Carolina, that his own State was not only 'art and part' in this measure, but the *causa causans*. Without her aid, this seminal principle of mischief, this root of Upas, could not have been planted. I have already said, and it is true, that this act proceeded on the ground of protection. It interfered directly, with existing interests of great value and amount. It cut up the Calcutta cotton trade by the roots. But it passed, nevertheless, and it passed on the principle of protecting manufactures, on the principle against free trade, on the principle *opposed to that which lets us alone*.

Such, Mr President, were the opinions of important and leading gentlemen from South Carolina, on the subject of internal improvement, in 1816. I went out of Congress the next year, and returning again in 1823, thought I found South Carolina where I had left her. I really supposed that all things remained as they were, and that the South Carolina doctrine of internal improvements would be defended by the same eloquent voices, and the same strong arms, as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect and new divisions. A party had arisen in the South, hostile to the doctrine of internal improvements, and had vigorously attacked that doctrine. Anti-consolidation was the flag under which this party fought, and its supporters inveighed against internal improvements, much after the manner in which the honorable gentleman has now inveighed against them as part and parcel of the

system of consolidation. Whether this party arose in South Carolina herself, or in her neighborhood, is more than I know. I think the latter. However that may have been, there were those found in South Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things, in such controversies, they bestowed on the anti-improvement gentlemen, the appellation of radicals. Yes, sir, the name of radicals, as a term of distinction, applicable and applied to those who denied the liberal doctrines of internal improvements, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, sir, these mischievous radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time, sir, I returned to Congress. The battle with the radicals had been fought, and our South Carolina champions of the doctrines of internal improvements had nobly maintained their ground, and were understood to have achieved a victory.

Such are the opinions, sir, which were maintained by South Carolina gentlemen in the house of Representatives, on the subject of internal improvement, when I took my seat there as a member from Massachusetts, in 1823. But this is not all: we had a bill before us, and passed it in that house, entitled 'An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals.' *It authorized the President to cause such surveys*

*and estimates to be made of the routes of such roads and canals as he might deem of national importance, in a commercial or military point of view, or for the transportation of the mail ; and appropriated thirty thousand dollars out of the treasury, to defray the expense. This act, though preliminary in its nature, covered the whole ground. It took for granted the complete power of internal improvement, as far as any of its advocates have ever contended for it. Having passed the other house, the bill came up to the Senate, and was here considered and debated in April, 1824. The honorable member from South Carolina was a member of the Senate at that time. While the bill was under consideration here, a motion was made to add the following proviso :*

*' Provided, That nothing herein contained shall be construed to affirm or admit a power in Congress on their own authority, to make roads or canals, within any of the states of the Union.'*

The yeas and nays were taken on this proviso, and the honorable member voted *in the negative*. The proviso failed.

A motion was then made to add this proviso, viz.

*' Provided, That the faith of the United States is hereby pledged, that no money shall ever be expended for roads or canals, except it shall be among the several States, and in the same proportion as direct taxes are laid and assessed by the provisions of the Constitution.'*

The honorable member voted *against this proviso* also, and it failed.

The bill was then put on its passage, and the honorable member voted *for it*, and it passed, and became a law.

Now, it strikes me, sir, that there is no maintaining these votes, but upon the power of internal improvement, in its broadest sense. In truth, these bills for surveys and estimates have always been considered as test questions. They show who is for, and who against internal improvement. This law itself went the whole length, and assumed the full and complete power. The gentleman's votes sustained that power, in every form, in which the various propositions to amend presented it. He went for the entire and unrestrained authority, without consulting the States, and without agreeing to any proportionate distribution. And now, suffer me to remind you, Mr President, that it is this very same power, thus sanctioned, in ever form, by the gentleman's own opinion, that is so plain and manifest a usurpation, that the state of South Carolina is supposed to be justified in refusing submission to any laws carrying the power into effect.

The tariff, which South Carolina had an efficient hand in establishing, in 1816, and this asserted power of internal improvement, advanced by her in the same year, and as we have now seen approved and sanctioned by her representatives in 1824, these two measures are the great grounds on which she is now thought to be justified in breaking up the Union, if she sees fit to break it up!

I may now safely say, I think, that we have had the authority of

leading and distinguished gentlemen from South Carolina in support of the doctrine of internal improvement. I repeat, that, up to 1824, I, for one, followed South Carolina; but when that star in its ascension, veered off in an unexpected direction, I relied on its light no longer. •[Here the Vice President said—does the Chair understand the gentleman from Massachusetts, to say, that the person now occupying the Chair of the Senate, has changed his opinions on the subject of internal improvements?] From nothing ever said to me, sir, have I had reason to know, of any change in the opinions of the person filling the Chair of the Senate. If such change has taken place, I regret it; I speak generally of the State of South Carolina.

As well as I recollect the course of his remarks, the honorable gentleman next recurred to the subject of the tariff. He did not doubt the word must be of unpleasant sound to me, and proceeded, with an effort neither new, nor attended with new success, to involve me and my votes in inconsistency and contradiction. I am happy the honorable gentleman has furnished me an opportunity of a timely remark or two on that subject. I was glad he approached it, for it is a question I enter upon without fear from anybody. The strenuous toil of the gentleman has been to raise an inconsistency between my dissent to the tariff in 1824 and my vote in 1828. It is labor lost. A plain tale explains the whole matter. In 1816, I had not acquiesced in the tariff, then supported by

South Carolina. To some parts of it, especially, I felt and expressed great repugnance. I held the same opinions in 1821 at the meeting in Faneuil Hall, to which the gentleman has alluded. I said then, and say now, that, as an original question, the authority of Congress to exercise the revenue power, with direct reference to the protection of manufactures, is a questionable authority, far more questionable, in my judgment, than the power of internal improvements. I must confess, that in one respect, some impression has been made on my opinions lately. Mr Madison's publication has put the power in a very strong light. He has placed it, I must acknowledge, upon grounds of construction and argument, which seem impregnable. But even if the power were doubtful on the face of the Constitution itself, it had been assumed and asserted in the first revenue law ever passed under that same Constitution; and, on this ground, as a matter settled by contemporaneous practice, I had refrained from expressing the opinion that the tariff laws transcended constitutional limits, as the gentleman supposes.

With a great majority of the representatives of Massachusetts, I voted against the tariff of 1824. My reasons were then given, and I will not now repeat them. But, notwithstanding our dissent, the great States of New York, Pennsylvania, Ohio and Kentucky went for the bill, in almost unbroken column, and it passed. Congress and the President sanctioned it, and it became the law of the land. What, then, were we to do? Our

only option was either to fall in with this settled course of public policy, and accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by State interference.

This last alternative did not suit our principles, and, of course, we adopted the former.\* In 1827, the subject came again before Congress, on a proposition favorable to wool and woollens.\* We looked upon the system of protection as being fixed and settled. The law of 1824 remained. It had gone into full operation, and in regard to some objects intended by it, perhaps most of them had produced all its expected effects.

But, owing to subsequent and unforeseen occurrences, the benefit intended by it to wool and woollen fabrics, had not been realized. Events, not known here when the law\* passed, had taken place, which defeated its object in that particular respect. A measure was accordingly brought forward to meet this precise deficiency, to remedy this particular defect. It was limited to wool and woollens: Was ever anything more reasonable? If the policy of the tariff laws had become established in principle, as the permanent policy of the Government, should they not be revised and amended, and made equal, like other laws, as exigencies should arise, or justice require? Because we had doubted about adopting the system, were we to refuse to cure its manifest defects, after it became adopted, and when no one attempted its repeal? And this is the inconsistency so much bruted. I

had voted against the tariff of 1824—but it passed; and in 1827 and 1828, I voted to amend it in a point essential to the interest of my constituents. I need not recur to the history of a measure so recent. Its enemies spiced it with whatsoever they thought would render it distasteful; its friends took it, as fugged as it was. Vast amounts of property, many millions, had been invested in manufactures, under the inducements of 1824. Events called loudly, as I thought, for further regulation to secure the degree of protection intended by that act. I was disposed to vote for such regulation, and desired nothing more; but certainly was not to be bantered out of my purpose by a threatened augmentation of duty on molasses put into the bill for the avowed purpose of making it obnoxious. The vote may have been right or wrong, wise or unwise; but it is little less than absurd to allege against it an inconsistency with opposition to the former law.

As to the general subject of the tariff I have little now to say. Another opportunity may be presented. I remarked the other day, that this policy did not begin with us in New England; and yet, sir, New England is charged with vehemence, as being favorable or charged with equal vehemence, as being unfavorable to the tariff policy, just as best suits the time, place, and occasion for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression, relative to her conduct, in this particular.

Through all the South, during the late contest, it was New England policy and a New England administration, that was afflicting the country with a tariff policy beyond all endurance, while on the other side of the Alleghany, even the act of 1828 itself, the very sublimated essence of oppression according to Southern opinions, was pronounced to be one of those blessings, for which the West was indebted to the 'generous South.'

With large investments in manufacturing establishments and many and various interests connected with and dependent on them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measure, destructive or highly dangerous. The duty of the Government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and for one, I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go, also, of the topic of the tariff, he sallied forth in a general assault, on the opinions, politics, and parties of New England, as

they have been exhibited in the last thirty years. This is natural. The 'narrow policy' of the public lands had proved a legal settlement in South Carolina, and was not to be removed. The 'accursed policy' of the tariff, also, had established the fact of its birth and parentage in the same State. No wonder therefore, the gentleman wished to carry the war, as he expressed it, into the enemy's country. Prudently willing to quit these subjects, he was doubtless desirous of fastening on others, which could not be transferred south of Mason and Dixon's line. The politics of New England became his theme. What has he done? Has he maintained his own charges? Has he sustained himself, in his attack on the Government, and on the history of the North in the matter of the public lands? Oh, no, but he has 'carried the war into the enemy's country!' Carried the war into the enemy's country! Yes, and what sort of a war has he made of it? He has stretched a drag net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses; over whatever the pulpit, in its moments of alarm, the press in its heats, and parties in their extravagance, have severally thrown off, in times of general excitement and violence. He has thus swept together a mass of such things, as but that they are now old, the public health would have required him rather to leave in their state of dispersion. For a good long hour or two, we had the unbroken pleasure of listening to the hon-

orable member, while he recited, with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the *et ceteras* of the political press, such as warm heads produce in warm times; and such as it would be 'discomfiture' indeed, for any ~~one~~, whose taste did not delight in that sort of reading, to be obliged to peruse. That is his war. This it is to carry the war into the enemy's country. It is in an invasion of this sort, that he flatters himself with the expectation of gaining laurels, fit to adorn a Senator's brow.

Mr President, I shall not, it will not, I trust, be expected that I should, either now, or at any time, separate this farrago into parts, and answer and examine its components. I shall hardly bestow upon it at all, a general remark or two. In the run of forty years under this Constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the Constitution itself, and, in some form or other, has attended it through the greater part of its history. Whether any other Constitution than the old articles of confederation, was desirable, was, itself, a question on which parties formed; if a new Constitution were framed, what powers should be given to it, was another question; and, when it had been formed, what was, in fact, the just extent of the powers actually conferred, was a third. Parties, as we know, existed, under the first administration, as distinctly marked, as those which manifested themselves at my subsequent period. The con-

test immediately preceding the political change in 1801, and that, again, which existed at the commencement of the late war, are other instances of party excitement, of something more than usual strength and intensity. In all these conflicts there was, ~~no~~ doubt, much violence on both and all sides. It would be impossible, if one had a fancy for such employment, to adjust the relative *quantum* of violence between these contending parties. There was enough in each, as must always be expected in popular Governments. With a great deal of proper and decorous discussion, there was mingled a great deal, also, of declamation, virulence, crimination, and abuse.

In regard to any party, probably, in one of the leading epochs in the history of parties, enough may be found to make out another equally inflamed exhibition, as that with which the honorable member has edified us. For myself, I shall not rake among the rubbish of by-gone times, to see what I can find, or whether I cannot find something, by which I can fix a blot on the escutcheon of any State, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant, and persevering support, in all his great and leading measures. We know where his private and personal character was held in the highest degree of attachment and veneration; and we know, too,

where his measures were opposed, his services slighted, and his character vilified. We know, or we might know, if we turned to the journals, who expressed respect, gratitude, and regret, when he retired from the chief magistracy ; and who refused to express either respect, gratitude, or regret — I shall not open those journals. Publications more abusive or scurrilous never saw the light, than were sent forth against Washington, and all his leading measures, from presses south of New England. But I shall not look them up. I employ no scavengers — no one is in attendance on me, tendering such means of retaliation ; and if there were, with an ass' load of them, with bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our own times, to be no way anxious to rescue from forgetfulness the extravagances of times past. Besides, what is all this to the present purpose ? It has nothing to do with the public lands, in regard to which the attack was begun ; and it has nothing to do with those sentiments and opinions which I have thought tend to disunion, and all of which the honorable member seems to have adopted himself, and undertaken to defend. New England has, at times, so argues the gentleman, held opinions as dangerous as those which he now holds. Be it so. But why, therefore, does he abuse New England ? If he finds himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers,

or seeks to cover, their authors with reproach ?

But if, in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else ? Party animosity, and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a federalist, but as a tory, a British agent, a man who, in his high office, sanctioned corruption. But does the honorable member suppose, that if I had a tender here, who should put such an effusion of wickedness and folly in my hand, that I would stand up and read it against the South ? Parties ran into great heats, again, in 1799, and 1800.

What was said, or rather what was not said, in those years, against John Adams, one of the signers of the Declaration of Independence, and its admitted ablest defender on the floor of Congress ? If the gentleman wishes to increase his stores of party abuse and frothy violence ; if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched. — I shall not touch them.

The parties which divided the country, at the commencement of the late war, were violent. But then there was violence on both sides, and violence in every State. Minorities and majorities were equally violent. There was no more violence against the war in New England than in other States ; nor any more appearance of violence, except that, owing to a dense population, greater facility



of assembling, and more presses, there may have been more in quantity, spoken and printed there than in some other places.

It is enough for me to say, that if, in any part of this, their grateful occupation, if, in all their researches, they find anything in the history of Massachusetts, or New England, or in the proceedings of any legislative, or other public body, disloyal to the Union, speaking slightly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of difference of political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings, in like manner, to *all similar proceedings, wherever else found*.

Mr President, in carrying his warfare, such as it was, into New England, the honorable gentleman all along professes to be acting on the defensive. He desires to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defence.

I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first speech, expressed opinions, in regard to revenue, and some other topics, which I heard both with pain and with surprise. I told the gentleman that I was aware that such sentiments were entertained out of the Government, but had not expected to find them advanced in it; that I knew there were persons in the South, who speak of our Union with indifference,

or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to weaken its connexion. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honorable member disapproved as much as myself. In this, it seems, I was mistaken. I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-union tendency, which on all or any of the recent occasions has been expressed. The whole drift of his speech has been rather to prove, that, in divers times and manners, sentiments equally liable to my objection have been promulgated in New England. And one would suppose that his object, in this reference to Massachusetts, was to find a precedent to justify proceedings in the South, were it not for the reproach and contumely with which he labors, all along, to load his precedents.

This two-fold purpose, not very consistent with itself, one would think, was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford Convention. Did he do this for authority, or for a topic of reproach? Apparently for both; for he told us that he should find no fault with the mere fact of

holding such a convention, and considering and discussing such questions as he supposes were then and there discussed; but what rendered it obnoxious, was, the time it was holden, and the circumstances of the country, then existing. We were in a war, he said, and the country needed all our aid; the hand of Government required to be strengthened, not weakened; and patriotism should have postponed such proceedings to another day. The thing itself, then, is a precedent; the time and manner of it, only, subject of censure. I go much farther, on this point, than the honorable member. Supposing, as the gentleman seems to, that the Hartford Convention assembled for any such purpose as breaking up the Union, because they thought unconstitutional law had been passed, or to concert on that subject, or to *calculate the value of the Union*; supposing this to be their purpose, or any part of it, then I say the meeting itself was disloyal, and was obnoxious to censure, whether held in time of peace or time of war, or under whatever circumstances. The material matter is the *object*. Is dissolution the *object*? If it be, external circumstances may make it a more or less aggravated case, but cannot affect the principle. I do not hold, therefore, sir, that the Hartford Convention was pardonable, even to the extent of the gentleman's admission, if its objects were really such as have been imputed to it. There never was a time, under any degree of excitement, in which the Hartford Convention, or any other

convention, could maintain itself one moment in New England, if assembled for any such purpose as the gentleman says would have been an allowable purpose: To hold conventions to decide questions of constitutional law! — to try the binding validity of statutes, by votes in a convention! Sir, the Hartford Convention, I presume, would not desire that the honorable gentleman should be their defender or advocate, if he puts their case upon such untenable and extravagant grounds.

Then, sir, the gentleman has no fault to find with these recently promulgated South Carolina opinions.

And, certainly, he need have none; for his own sentiments, as now advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe, that the eulogium pronounced on the character of the state of South Carolina by the honorable gentleman, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge, that the honorable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honor, I partake in the pride of her great names. I claim them for countrymen, one and all. The Laurens, Rutledges, the Pinckneys, the Sumpters, the Marions — Americans all — whose

fame is no more to be hemmed in by State lines, than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honored the country, and the whole country, and their renown is of the treasures of the whole country. Him, whose honored name the gentleman himself bears — does he suppose me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light in Massachusetts, instead of South Carolina? Does he suppose it in his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir — increased gratification and delight, rather. I thank God, that if I am gifted with little of the spirit which is said to be able to raise mortals to the skies, I have yet none, as I trust, of that other spirit, which would drag angels down. When I shall be found, in my place here in the Senate, or elsewhere, to sneer at public merit, because it happened to spring up beyond the little limits of my own State or neighborhood; when I refuse, for any cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or if I see an uncommon endowment of heaven — if I see extraordinary capacity and virtue in any son of the South — and if, moved by local prejudice, or gangrened by State jealousy, I get up here to abate the title of a hair from his just character and just fame, may my tongue cleave

to the roof of my mouth! Sir, let me recur to pleasing recollections — let me indulge in refreshing remembrance of the past — let me remind you that in early times no States cherished greater harmony, both of principle and of feeling, than Massachusetts and South Carolina. Would to God, that harmony might again return. Shoulder to shoulder they went through the revolution — hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feelings, if it exist, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr President, I shall enter on no encomium upon Massachusetts — she needs none. There she is — behold her — and judge for yourselves. There is her history — the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, fallen in the great struggle for independence, now lie mingled with the soil of every State, from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it — if party strife and blind ambition shall hawk at and tear it; if folly and madness,

if uneasiness, under salutary and necessary restraint, shall succeed to separate it from that union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigor it may still retain, over the friends who gather around it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr President, by far the most grave and important duty, which I feel to be devolved on me by this occasion. It is to state, and to defend what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. But I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain, that it is a right of the State Legislatures to interfere, whenever, in their judgment, this Government transcends its Constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing *under* the Constitution; not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain

an authority on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the General Government, of checking it, and of compelling it to conform to their opinion of the extent of its power.

I understand him to maintain, that the ultimate power of judging of the Constitutional extent of its own authority, is not lodged exclusively in the General Government, or any branch of it: but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the General Government transcends its power.

I understand him to insist, that if the exigency of the case, in the opinion of any State Government require it, such State Government may, by its own sovereign authority, annul an act of the General Government, which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine. I propose to consider it, and to compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine, only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State has ever advanced these sentiments. I hope she has not, and never may. That a great majority, of her people are opposed to the tariff laws is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws un-

constitutional, may probably also be true. But, that any majority holds to the right of direct State interference, at State discretion, the right of nullifying acts of Congress by acts of State legislation, is more than I know, and what I shall be slow to believe.

That there are individuals, besides the honorable gentleman, who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated. 'The sovereignty of the State; never to be controlled, construed, or decided on, but by her own feelings of honorable justice.'

[Mr Hayne here rose, and said, that for the purpose of being clearly understood, he would state, that, his proposition was in the words of the Virginia resolution, as follows :

'That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining, within their

respective limits, the authorities, rights, and liberties appertaining to them.']

Mr Webster resumed :

I am quite aware, Mr President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it, as his authority. I know the source too, from which it is understood to have proceeded. I need not say, that I have much respect for the constitutional opinions of Mr Madison; they would weigh greatly with me, always. But before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly, he may not have adopted the right construction. That resolution declares, *that in the case of the dangerous exercise of powers, not granted by the General Government, the States may interpose to arrest the progress of the evil.* But how interpose, and what does this declaration purport? Does it mean no more, than that there may be extreme cases, in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government. No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much, in the theory and practice too, of the English constitution. We, sir, who oppose the Carolina doctrine, do not deny, that the people

may, if they choose, throw off any government, when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence they may be changed. But I do not understand the doctrine now contended for, to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain, that without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government, lies in a direct appeal to the interference of the State Governments.

[Mr Hayne here rose: He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that in case of a plain, palpable violation of the Constitution by the General Government, a State may interpose; and that this interposition is constitutional.] Mr Webster resumed: So I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government, I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no

doctrine of mine, that unconstitutional laws bind the people. The great question is, *whose prerogative is it to decide on the constitutionality, or unconstitutionality, of the laws?* I admit, that there is an ultimate violent remedy, above the Constitution, and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit, that, under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the General Government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government, and the source of its power. Whose agent is it? Is it the creature of the State Legislatures, or the creature of the People? If the Government of the United States be the agent of the State Governments, then they may control it, provided they can agree in the manner of controlling it; if it is the agent of the People, then the People alone can control it, restrain it, modify or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends, leads him to the necessity of maintaining, not only that this General Government is the creature of the States, but that it is the creature of each of the States severally; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four and twenty masters, of differ-

ent wills and different purposes ; and yet bound to obey all. This absurdity, (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the People's Constitution, the People's Government ; made for the People ; made by the People ; and answerable to the People. The People of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are unquestionably sovereign, so far as their sovereignty is not affected by this supreme law. The State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the People have given power to the General Government, so far the grant is unquestionably good, and the Government holds of the People, and not of the State Governments. We are all agents of the same supreme power, the People. The General Government and the State Governments derive their authority from the same source. Neither can, in relation to the other, be called primary ; though one is definite and restricted, and the other general and residuary. The National Government possesses those powers which it can be shown the People have conferred on it, and no more. All the rest belongs to the State Governments or to the People themselves. So far as the People have restrained State sovereignty, by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sove-

reignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have referred, propounds that State sovereignty is only to be controlled by its own 'feeling of justice ;' that is to say, it is not to be controlled at all ; for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on State sovereignties. The Constitution has ordered the matter differently from what this opinion announces. To make war for instance, is an exercise of sovereignty ; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power ; but no State is at liberty to coin money. Again, the Constitution says, that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise 'from her own feelings of honorable justice.' Such an opinion, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again for the purpose of ascertaining more fully, what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain. In one of them I find it resolved, that 'the Tariff

of 1828, and every other Tariff designed to promote one branch of industry, at the expense of others, is contrary to the meaning and intention of the Federal compact; and as such, a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the General Government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them, when their compact is violated.'

Observe that this resolution holds the Tariff of 1828, and every other Tariff, designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the States, in their sovereign capacity, to interfere by their own power. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same opinion by the voice of her Legislature. That would be very imposing, but what then? Is the voice of one State conclusive? It so happens, that at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania, and Kentucky, resolve exactly the reverse. *They* hold those laws to be both highly pro-

per, and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How does he get out of this difficulty, upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina, the tariff is a palpable, deliberate usurpation; Carolina, therefore, may *nullify* it, and refuse to pay the duties. In Pennsylvania, it is both clearly constitutional, and highly expedient; and there, the duties are to be paid. And yet, we live under a Government of uniform laws, and under a Constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the States! Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again, precisely, upon the old Confederation?

It is too plain to be argued. Four and twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law, the only bond of their union! What is such a state of things, but a mere connexion during pleasure, or, to use the phraseology of the times, *during feeling*? And that feeling, too, not the feeling of the people, who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires 'all the



concentrated energy of passion,' an attitude of open resistance to the laws, of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say, that, appealing with confidence to the Constitution itself to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or it may be more properly said, it is identical with it, rather than a result from it. In the same publication we find the following: 'Previously to our Revolution, when the arm of oppression was stretched over New England, where did our northern brethren meet with a braver sympathy than that which sprang from the bosom of Carolinians. *We had no extortion, no oppression, no collision with the King's ministers, no navigation interests springing up, in envious rivalry of England.*'

This seems extraordinary lan-

guage. South Carolina no collision with the King's ministers, in 1775! no extortion! no oppression! But, sir, it is also most significant language. Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question, whether, *at this time* — that is to say, in 1828 — South Carolina has any collision with the King's ministers, any oppression or extortion to fear from England? Whether, in short, England is not as naturally the friend of South Carolina as New England, with her navigation interests springing up in envious rivalry of England?

And now, sir, what I have first to say on this subject is, that at no time, and under no circumstances, has New England, or any State in New England, or any respectable body of persons in New England or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

New England has studied the Constitution in other schools, and under other teachers. She looks upon it with other regards, and deems more highly and reverently, both of its just authority, and its utility and excellence. The history of her legislative proceedings may be traced — the ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up — they have been hunted up. The opinions and votes of her public men, in and out of Congress may be explored — it will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it;

and till she loses her senses, she always will reject it. The honorable member has referred to expressions, on the subject of the embargo law, made in this place, by an honorable and venerable gentleman, (Mr Hillhouse,) now favoring us with his presence. He quotes that distinguished Senator as saying, that in his judgment the embargo law was unconstitutional, and that, therefore, in his opinion, the people were not bound to obey it. That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a State Legislature to decide whether an Act of Congress be, or be not, constitutional.* An unconstitutional act of Congress would not bind the people of this district, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of Congress does bind the citizens of every State, although all their Legislatures should undertake to annul it, by act or resolution.

Let us follow up this New England opposition to the embargo laws; let us trace it, till we discern the principle, which controlled and governed New England, throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions, and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the Legislature of Massachusetts, asserting the Carolina doctrine—that is, the right of State interference to ar-

rest the laws of the Union. The fate of that petition shows the sentiment of the Legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed, in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman labors to prove that she disliked the embargo, as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; *but did she propose the Carolina remedy? did she threaten to interfere, by State authority, to annul the laws of the Union?*

The very case required by the gentleman, to justify State interference, had then arisen. Massachusetts believed this law to be *'a deliberate, palpable, and dangerous exercise of a power, not granted by the Constitution.'* Deliberate it was, for it was long continued; palpable she thought it, as no words in the Constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interests. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt also, that as a measure of national policy, it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all

that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? She remonstrated, she memorialized, she addressed herself to the General Government, not exactly 'with the concentrated energy of passion,' but with her own strong sense, and the energy of sober conviction. But she did not interpose the arm of her own power to arrest the law, and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of Congress, and secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the embargo law unconstitutional; but the great question was, and always will be, in such cases, who is to decide this? Who is to judge between the People and the Government? And, it is quite plain, that the Constitution of the United States confers on the Government 'itself, to be exercised by its appropriate Department, this power of deciding ultimately and conclusively, upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old Confederation.

Being fully of opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion — it was a matter they did doubt

upon — that the question, after all, must be decided by the Judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds, to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old fashioned way of settling disputes, they went to law. The case came to hearing, and solemn argument. The established tribunals pronounced the law constitutional and New England acquiesced. Is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo, by laws of our own; we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. We believed the embargo unconstitutional; but still, that was matter of opinion, and who was to decide it? We thought it a clear case; but, nevertheless, we did not take the law into our own hands, *because we did not wish to bring about a revolution, nor to break up the Union*; for I maintain, that, between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground — there is no ambiguous condition, half allegiance and half rebellion. There is no treason *made easy*. And, sir, how futile, how very futile it is, to admit the right of State interference, and then attempt to save it from the character of un-

lawful resistance, by adding terms of qualification to the causes and occasions, leaving all these qualifications, like the case itself in the discretion of the State Governments. It must be a clear case, it is said; a deliberate case; a palpable case; a dangerous case. But then the State is still left at liberty to decide for herself, what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail anything? The human mind is so constituted, that the merits of both sides of a controversy appear very clear, and very palpable, to those who respectively espouse them; and both sides usually grow clearer, as the controversy advances. South Carolina sees unconstitutionality in the Tariff; she sees oppression there also; and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same Tariff, and sees no such thing in it — she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *Resolves*, that the Tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, *Resolves* also, and gives to every warm affirmative of South Carolina, a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven votes; Pennsylvania, not to be outdone in this respect more

than others, reduces her dissentient fraction to five votes. Again I ask the gentleman, what is to be done? Are these States both right? Is he bound to consider them both right? If not, which is the wrong? or rather, which has the best right to decide? And if he, and if I, are not to know what the Constitution means, and what it is, till those two State legislatures, and the twentytwo others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it? I was forcibly struck with one reflection, as the gentleman went on in his speech. He quoted Mr Madison's resolutions to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power; and that, consequently, a case has arisen, in which the State may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr Madison himself deems this same Tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. •All this, shows the inherent — futility — I had almost used a stronger word — of conceding this power of interference to the States, and then attempting to secure it from abuse by imposing qualifications, of which the States themselves are to judge. One of two things is true; either the laws of the Union

are beyond the discretion and beyond the control of the States, or else we have no Constitution of General Government, and are thrust back again to the days of the Confederacy.

Let me here say, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The Government would very likely have gone to pieces and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare, whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system, under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or deny? If that which is thought palpably unconstitutional in South Carolina, justifies that State in arresting the progress of the law, tell me, whether that which was thought palpably unconstitutional also in Massachusetts, would have justified her in doing the same thing. I deny the whole doctrine. It has not a foot of ground in the

Constitution to stand on. No public man of reputation ever advanced it in Massachusetts, in the warmest times, or could maintain himself upon it there at any time.

I must now beg to ask, whence is this supposed right of the States derived? where do they get the power to interfere with the laws of the Union? The opinion, which the honorable gentleman maintains, is a notion, founded in a total misapprehension, in my judgment, of the origin of this Government, and of the foundation on which it stands. I hold it to be a popular Government, erected by the People, those who administer it are responsible to the People; and itself capable of being amended and modified, just as the People may choose it should be. It is as popular, just as truly emanating from the People, as the State Governments. It is created for one purpose; the State Governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the People, and trusted, by them, to our administration. It is not the creature of the State Governments. It is of no moment to the argument, that certain acts of the State Legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the People, by the Con-

stitution itself, have imposed on the State Legislatures ; and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of the President with electors ; but all this does not affect the proposition, that this whole Government, ~~President, Senate,~~ and House of Representatives, is a popular Government. It leaves it still all its popular character. The Governor of a State, (in some of the States) is chosen, not directly by the People, but by those who are chosen by the People, for the purpose of performing among other duties, that of electing a Governor. Is the Government of the State on that account, not a popular Government ? This Government is the independent offspring of the popular will. It is not the creature of State Legislatures ; nay more, if the whole truth must be told, the People brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war, they cannot contract alliances, they cannot make, each for itself, separate regulations of commerce, they cannot lay imposts, they cannot coin money. If this Constitution, sir, be the creature of State Legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The People erected this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited Govern-

ment. They have defined its authority. They have restrained it, to the exercise of such powers as are granted ; and all others, they declare, are reserved to the States or the People. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear, as to avoid possibility of doubt ; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the People ? Who shall interpret their will, where it may be supposed they have left it doubtful ? With whom do they leave this ultimate right of deciding on the powers of the Government ? They have settled all this in the fullest manner. They have left it with the Government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a Government that should not be obliged to act through State agency, or depend on State opinion, and State discretion. The People had had quite enough of that kind of Government, under the Confederacy. Under that system the legal action — the application of law to individuals, belonged exclusively to the States. Congress could only recommend — their acts were not of binding force, till the States had adopted and sanctioned them. Are we in that condition still ? Are we yet at the mercy of State discretion, and State construction ? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But the People have wisely

provided, in the Constitution itself, a proper, suitable mode, and tribunal, for settling questions of Constitutional law. There are, in the Constitution, grants of powers to Congress; and restrictions on these powers. There are also prohibitions on the States. Some authority must therefore necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, that *'the Constitution and the laws of the United States, made in pursuance thereof, shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding.'*

This, sir, was the first great step. By this, the supremacy of the Constitution and laws of the United States is declared. The People so will it. No State law is to be valid, which comes in conflict with the Constitution, or any law of the United States. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides, also, by declaring, *'that the Judicial power shall extend to all cases arising under the Constitution and Laws of the United States.'* These two provisions cover the whole ground. They are, in truth, the key-stone of the arch. With these, it is a Constitution, without them, it is a Confederacy. In pursuance of these

clear and express provisions, Congress established, at its very first session, in the Judicial act, a mode for carrying them into full effect, and for bringing all questions of Constitutional power to the final decision of the Supreme Court. It then became a Government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among things which are past. Having constituted the Government, and declared its powers, the People have further said, that since somebody must decide on the extent of these powers, the Government shall itself decide; subject always, like other popular Governments, to its responsibility to the People. And now I repeat, how is it, that a State legislature acquires any right to interfere? Who, or what, gives them the right to say to the People, we, who are your agents and servants for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transgressed the authority you gave them? The reply would be, I think not impertinent — 'Who made you a judge over another's servants? To their own masters they stand or fall.'

I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say, that in an extreme case, a State Government might protect the People from intolerable oppression. In such a case the People might protect themselves, without the aid of the State Governments.

Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the General Government, and I think it my duty to support it, like other constitutional powers.

For myself, I doubt the jurisdiction of South Carolina, or any other State, to prescribe my constitutional duty, or to settle, between me and the people, the validity of laws of Congress, for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated, by my oath of office or otherwise, to come under any responsibility, except to the People, and those whom they have appointed to pass upon the question, whether laws, supported by my votes, conform to the Constitution of the country. And if we look to the general nature of the case, could anything have been more preposterous, than to have made a Government for the whole Union, and yet left its powers subject, not to one interpretation, but to thirteen, or twentyfour interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four and twenty popular bodies, each at liberty to decide for itself,

and none bound to respect the decisions of others; and each at liberty, too, to give a new construction, on every new election of its own members? Would anything, with such a principle, in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a Constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate, for a disputatious people. It would not be a Government. It would, not be adequate to any practical good, nor fit for any country to live under. To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the Government by forced or unfair construction. I admit that it is a Government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted, is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the General Government would be good for nothing, it would be incapable of long existing, if some mode had not been provided, in which those doubts, as they should arise, might be peaceably, but authoritatively, solved.

Direct collision, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the very first case to which it is applied. Is



not this the plain result? To resist, by force, the execution of a law generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself is nothing to the purpose. Can it authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the Government. They lead directly to disunion and civil commotion; and therefore it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, that I enter my public protest against them all.

The honorable gentleman argues, that if this Government be the sole judge of the extent of its own powers, whether that right of judging be in Congress, or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging, in this matter, if left to the exercise of State Legislatures, has any tendency to subvert the Government of the Union. The gentleman's opinion may be that the right *ought not* to have been lodged with the General Government; he may like better such a Constitution, as we should have under the right of State interference; but I ask him to meet me on the

plain matter of fact—I ask him to meet me on the Constitution itself—I ask him if the power is not found there—clearly and visibly found there?

But what is this danger, and what the grounds of it? Let it be remembered, that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the People who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power, between the State Governments and the General Government, they can alter that distribution at will.

If anything be found in the National Constitution, either by original provision, or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established, unacceptable to them, so as to become, practically, a part of the Constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is; while they are satisfied with it, and refuse to change it, who has given, or who can give, to the State Legislatures, a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves; they imagine there is no safety for them, any longer than they are under the close guardianship of the State Legislatures. The people have not trusted their safety, in regard to the general

constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves first, to the plain words of the instrument, and to such construction as the Government itself, in doubtful cases, should put on its own powers, under their oaths of office, and subject to their responsibility to them; just as the people of a State trust their own State Governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents, whenever they see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent, as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power, to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the People of the United States have, at no time, in no way, directly or indirectly, authorized any State Legislature to construe or interpret *their* high instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If the people, in these respects, had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and

these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every State, but as a poor dependant on State permission. It must borrow leave to be, and will be, no longer than State pleasure, or State discretion, sees fit to grant the indulgence, and to prolong its poor existence.

But although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity and renown, grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, NULLIFIED, it will not be; if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust — faithfully to preserve, and wisely to administer it.

MR President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you, and the Senate, much too long. I was drawn into the debate, with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot even now, persuade myself to relinquish it, without expressing, once more, my deep conviction,

that since it respects nothing less than the Union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached, only by the discipline of our virtues, in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection, or its benefits. ~~It has~~ been to us all a copious fountain of national, social, and personal happiness. I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in

the affairs of this Government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that, I seek not to penetrate the veil. God grant, that in my day, at least, that curtain may not rise. God grant, that on my vision never may be opened what lies behind. When my eyes shall be turned to behold, for the last time, the Sun in Heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous Ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured — bearing for its motto, no such miserable interrogatory as — *What is all this worth?* Nor those other words of delusion and folly — *Liberty first, and Union afterwards* — but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart — *Liberty and Union, now and for ever, one and inseparable!*

The effect of this speech throughout the Union was destructive to the hopes of the advocates of nullification. They had been gradually gaining strength owing in a great measure to the inattention of the public to the pernicious consequences of their doctrines. In Georgia, they formed a majority, had carried their principles into practical effect, and their doctrines had received the implied sanction of the President in reference to the Indian question. In South Carolina and Virginia, they constituted a majority of the legislatures, and in New York an obvious leaning towards the same principles was manifested by the dominant party under the specious pretence of attachment to State rights.

Public opinion however was now fully awakened. The warm and patriotic language of the Senator from Massachusetts met with a ready response from the American people. They felt the Union to be in danger from the movements of this anti-federal party and they evinced their attachment to the Constitution by the warmest approbation of the sentiments advanced by Mr Webster. These unequivocal testimonies of popular feeling checked the tendency on the part of the leading politicians to nullification, and they began to retrace their steps.

The Debate in the Senate annihilated the party by demonstrating the utter inconsistency of their opinions with the peaceful and legal administration of the Government. Mr Hayne, upon Mr Webster's resuming his seat, attempted a reply, which in substance is as follows.

After commenting on the personal topics introduced into the debate, Mr Hayne proceeded to deny that the tariff of 1816, was the commencement of the existing policy. It was a bill for reducing the duties from the war standard, and it was intended that the reduction should be gradual, until they should reach the lowest amount necessary for revenue in time of peace. Nor did this bill depend upon South Carolina votes. It was carried by a vote of 88 to 54, and would have passed if every representative from South Carolina had voted against it.

The internal improvement bill referred to, was one not appropriating but setting apart a fixed sum (the bank bonus) for internal improvements to be distributed among the States on principles of perfect equality.

This measure was defeated by the veto of Mr Madison, but if it had been adopted, it would have prevented much of the inequality and injustice, that have since taken place. Mr Hayne said that a great change of opinion, however, had since occurred in the Southern States on the subject of internal improvement. The war had produced a feeling in favor of enlarging the powers of the Federal Government, but before time had confirmed that opinion, the evils of the system were so fully developed and the dangers from that source so manifest, as to thoroughly convince them that the system of internal improvement was not only unequal and unjust, but an alarming innovation on the Constitution. He thanked Mr Webster for having given him an opportunity of explaining his

vote on the survey bill of 1824. He was then new in his seat and his opinions on this point were not fully settled. That bill was advocated on the ground that before adopting any system, it was proper to have the whole ground before Congress. In the belief that no great work would be adopted until all the information was procured and submitted by the President in one complete view, and that but a few great works in which all the States had a common interest were intended to be embraced in the bill, he voted for it and he also voted against every proposition to amend it, in order to have the subject before the public, unembarrassed and as an entire scheme. In this expectation he had been deceived and ever since he had discovered its true character, he had voted against all appropriations for surveys, unless they were exceptions to the general rule.

After explaining the motives of the opponents of the tariff of 1828, in refusing to strike out some of its obnoxious provisions, Mr Hayne entered upon that part of his argument relating to the Federal Constitution and the powers of the Supreme Courts. He said that he had indeed deprecated the consolidation of the Government, but he had contented himself with citing the high authorities on which his opinions rested. The proposition laid down by him, was taken from the Virginia resolution of 1798, and stated that 'in a deliberate, palpable and dangerous exercise by the Federal Government of powers not granted by the com-

pact, the States, who are parties thereto had a right to interpose to arrest the progress of the evil, and to maintain within their respective limits the authorities, rights and liberties appertaining to them.'

The Senator from Massachusetts contended that the States had no right to decide, whether the Constitution had been violated or not, and that the Federal Government was the exclusive judge of its own powers. That the decision of the Supreme Court was final on the point in dispute. These are the points of difference between us, and in order to decide them it will be necessary to go back to the origin of the Government.

Mr Hayne asserted that before the formation of the Constitution, each State was an independent sovereignty, and afterwards they remained equally independent as to all powers not expressly delegated to the Federal Government. This was declared in the tenth article of the amendments to the Constitution. Its true nature therefore was a compact to which the States are parties, agreeing that certain designated powers shall be exercised by the United States in the manner proscribed in that instrument. All acts therefore by the Federal Government beyond the pale of its authority are clearly void. A State, on the contrary, may lawfully act in all cases where she has not restricted herself. It is a compact between sovereigns, and the question arises as to the remedy for a clear violation of its terms by one of the parties. Mr

Hayne contended that no power of deciding upon the extent of its own authority, had been granted to the Federal Government and no inference in favor of such power, could be drawn, which would not apply with equal force in behalf of a State.

All sovereigns were necessarily equal and the rule applicable to a difference of opinion concerning treaties, was applicable to that concerning the Federal compact. The Federal Government was not superior to the State Governments, nor had the latter surrendered their sovereignty.

They had surrendered certain specified powers, but they had an independent legislature, executive and judiciary, and in all other respects they were as omnipotent as any other independent nation. He denied that the words in the preamble to the Constitution 'we the people of the United States,' referred to them as to one community. It related to them only as citizens of the several States. In every part of the instrument they are spoken of in that character, and when every State but one had consented to its adoption, that State was not held to be bound. A majority of the people in any one State bound that State, but nine tenths of all the people of the United States did not bind Rhode Island, until as a State she had consented to the compact.

The States were at the time of forming the Constitution, under organized governments, and if their citizens became entitled to the character of citizens of other States, it was by virtue of that

clause in the Constitution conferring upon them such privileges. After quoting from Mr Madison's report to the Legislature of Virginia to prove that the States are parties to the compact, Mr Hayne asserted that in a compact between sovereign powers, such as the Constitution, there could be no tribunal to decide upon its violation. The Supreme Court was not such a tribunal, when the dispute arose between a State and the United States. No such authority was given in the Constitution. Questions of Sovereignty were of too delicate a nature to be submitted to a Judicial tribunal. Courts were the mere creatures of the sovereign power, and though they were competent to decide upon incidental questions, growing out of treaties, they were not the proper tribunals to decide upon the construction to be put by sovereigns upon their treaties. These are political, not judicial, questions, and the jurisdiction given by the Government to the Federal Courts is expressly limited to all questions in law and equity; i. e. to cases where jurisdiction is incidentally acquired in the ordinary administration of justice. The Supreme Court has never assumed jurisdiction over questions arising under treaties between the sovereign parties thereto, nor can it under the Constitution, over questions between individual States and the United States. It is entirely without its sphere. Besides, it is unfitted for the office by being entirely dependent on one of the parties, i. e. the Federal Govern-

ment. Is it to be supposed that the States could ever have designed to leave to a court to be created by the Federal Government the right to decide on the extent of its powers. Such a course would have been suicidal and destructive to their independence.

After illustrating the positions, Mr H. proceeded to show that Congress could not be the proper judge of its own constitutional powers, and that the Constitution was framed chiefly with the design of confining the majority within definite limits. Mr Hayne inferred from these premises that the right of a State to judge of infractions of the Constitution on the part of the Federal Government, resulted from the nature of the compact, and that such a power is neither expressly nor impliedly reserved exclusively to the Federal Government, nor to any of its departments.

He also contended, that the power in question might be fairly considered as reserved to the States, by that clause of the Constitution, providing that all powers not delegated to the United States are reserved to the States respectively or to the people. Before the States entered into the compact, (he said) they possessed to the fullest extent, the right of determining the limits of their own powers.

They had never parted with that right, nor agreed to limit or restrict it. They had agreed that certain specific powers should be exercised by the Federal Government; but the moment that Government stepped beyond its

charter, the right of the States to interpose, was as full and complete as before the Constitution was formed. It was plenary then and of course must be plenary now.

This collision of opinion between the two Governments, did not necessarily produce war. It was the common case of difference of opinion between sovereigns as to the true construction of a compact. In all such cases some mode must be devised to settle the difficulty, and happily for us the mode is clearly indicated by the Constitution itself, and results from the form and structure of the Government. The creating power is three fourths of the States. By their decision the parties to the compact have agreed to be bound, even to the extent of changing the entire form of the Government, and it follows of necessity, that in cases of deliberate and settled difference of opinion between the parties to the compact, as to the extent of the powers of either, resorts must be had to their common superior — (that power which may give any character it pleases to the Constitution) viz., three fourths of the States.

This was Mr Jefferson's opinion, and conforms to the doctrines of the famous Virginia resolutions and report of '98, and the Kentucky resolutions of 1799. Mr H. then contended that when a State had declared a law of Congress to be unconstitutional, it could not go into effect until it had been sanctioned by three fourths of the States.

If the nullifying State were

compelled to appeal to the three fourth votes, in order to arrest the law, she would be compelled to submit to the exercise of an unconstitutional power and it would be absurd to suppose that any redress could be obtained upon such an appeal, even if a State were at liberty to make it.

A majority of both Houses of Congress must sanction the law before it could be passed, and there was no probability of its being declared unconstitutional by three fourths of the States. A proposition too, to amend the Constitution, can only come from two thirds of the two Houses of Congress or from the legislatures of two thirds of the States. A minority therefore has no other mode of obtaining redress. There is no danger of weakening the Union in this manner. The Government is one of checks and balances, and it is in the true spirit of the system, that the States should have the power to check the Federal Government, so far as to preserve the Constitution from 'gross, palpable, and deliberate violations,' and to compel an appeal to the amending power in cases of real doubt and difficulty.

This check is by far the safest and least liable to abuse, of any provided by the Constitution. A quorum of the Supreme Court, can, by a bare majority, consisting only of three judges, declare a law to be unconstitutional.

Mr H. said that without meaning to detract from that high tribunal, for whose decisions when confined to their appropriate sphere ('questions in law equity') he had great respect, he thought that that delicate power might be

as safely entrusted to a State. She would always feel the necessity of consulting public opinion both at home and abroad before she would venture to resort to such a measure, and as it was only an extreme case that would justify the interposition, there would be no danger of any abuse of the power.

In reply to the call to show the practical effects of his doctrine, Mr Hayne said that the right of a State being established, the General Government, as a matter of course, was bound to acquiesce in a solemn decision of a State acting in its sovereign capacity, until the people by an amendment of the Constitution had decided to the contrary. Until this solemn decision is thus reversed, the Federal Government is bound not to resort to any means of coercion against the citizens of the dissenting States. All collision is thus prevented. But if a law unconstitutional in the opinion of the citizens of any one State, should be carried into effect even with the concurrence of all the branches of the Federal Government, collision must ensue. The juries in the dissenting State would not give effect to the unconstitutional law, and unless they could be coerced by the bayonet, the law would be in effect nullified. The difference between the Senator from Massachusetts and himself respecting a clear violation of the Constitution which ought to be resisted, was, that he advocated upon the principles of revolution and he (Mr. Hayne) upon those of constitutional resistance. He would make force the only arbiter in cases of colli-



sion between the Federal and State Governments, while he (Mr Hayne) would resort to a peaceful remedy, the interposition of the States to arrest the progress of the evil, until a convention called according to the Constitution should determine the dispute.

In reply to this argument Mr Webster said, that the argument of Mr H. consisted of two propositions, and an inference. His propositions are—

1. That the Constitution is a compact between the States.

2. That a compact between two, with authority reserved to one to interpret its terms, would be a surrender to that one of all power whatever.

3. Therefore, (such is his inference) the General Government does not possess the authority to construe its own powers.

Now, sir, who does not see, without the aid of exposition or detection, the utter confusion of ideas, involved in this, so elaborate and systematic argument.

The Constitution, it is said, is a compact *between States*;—the States, then, and the States only, *are parties to the compact*. How comes the General Government itself *a party*? Upon the honorable gentleman's hypothesis, the General Government is the result of the compact, the creature of the compact, not *one* of the parties to it. Yet the argument, as the gentleman has now stated it, makes the Government itself *one* of its own creators. It makes it a party to that compact, to which it owes its own existence.

For the purpose of erecting the

Constitution on the basis of a compact, the gentleman considers the States as parties to that compact; but as soon as his compact is made, then he chooses to consider the General Government, which is the offspring of that compact, not its offspring, but *one* of its parties; and so, being a party, has not the power of judging on the terms of the compact. In what school is such reasoning as this taught?

If the whole of the gentleman's main proposition were conceded to him, that is to say—that the Constitution is a compact between States, the inferences, which he draws from that proposition, are warranted by no just reason. Because, if the Constitution be a compact between States, still, that Constitution, or that compact, has established a government, with certain powers; and whether it be one of those powers, that it shall construe and interpret for itself, the terms of the compact, in doubtful cases, can only be decided by looking to the compact, and inquiring what provisions it contains on this point. Without any inconsistency with natural reason, the Government, even thus created, might be trusted with this power of construction. The extent of its powers, therefore, must still be sought for in the instrument itself.

If the old Confederation had contained a clause, declaring that resolutions of the Congress should be the supreme law of the land, any State law or constitution to the contrary notwithstanding, and that a committee of Congress, or any other body created by it,

should possess Judicial powers, extending to all cases arising under resolutions of Congress, then the power of ultimate decision would have been vested in Congress, under the Confederation, although that Confederation was a compact between States. And for this plain reason: that it would have been competent to the States, who alone were parties to the compact, to agree, who should decide, in cases of dispute arising on the construction of the compact.

For the same reason, sir, if I were now to concede to the gentleman his principal propositions, viz. that the Constitution is a compact between States, the question would still be, what provision is made, in this compact, to settle points of disputed construction, or contested power, that shall come into controversy? and this question would still be answered, and conclusively answered, by the Constitution itself. While the gentleman is contending against construction, he himself is setting up the most loose and dangerous construction. The Constitution declares, that *the laws of Congress shall be the supreme law of the land*. No construction is necessary here. It declares, also, with equal plainness and precision, that *the Judicial power of the United States shall extend to every case arising under the laws of Congress*. This needs no construction. Here is a law, then, which is declared to be supreme; and here is a power established, which is to interpret that law. Now, sir, how has the gentleman met this? Suppose the Constitu-

tion to be a compact, yet here are its terms, and how does the gentleman get rid of them? He cannot argue the *seal off the bond*, nor the words out of the instrument. Here they are — what answer does he give to them? None in the world, sir, except, that the effect of this would be to place the States in a condition of inferiority; and because it results, from the very nature of things, there being no superior, that the parties must be their own judges! Thus closely and cogently does the honorable gentleman reason on the words of the Constitution. The gentleman says, if there be such a power of final decision in the General Government, he asks for the grant of that power. Well, sir, I show him the grant — I turn him to the very words — I show him that the laws of Congress are made supreme; and that the Judicial power extends, by express words, to the interpretation of these laws. Instead of answering this, he retreats into the general reflection, that it must result *from the nature of things*, that the States, being parties, must judge for themselves.

I have admitted, that if the Constitution were to be considered as the creature of the State Governments, it might be modified, interpreted, or construed, according to their pleasure. But even in that case, it would be necessary that they should *agree*. One, alone, could not interpret it conclusively; one, alone, could not construe it; one, alone, could not modify it. Yet the gentleman's doctrine is, that Carolina, alone, may ~~construe~~ and interpret

that compact, which equally binds all, and gives equal rights to all.

So then, sir, even supposing the Constitution to be a compact between the States, the gentleman's doctrine, nevertheless, is not maintainable; because, first, the General Government is not a party to that compact, but a *Government* established by it, and vested by it with the powers of trying and deciding doubtful questions; and, secondly, because, if the Constitution be regarded as a compact, not one State only, but all the States, are parties to that compact, and one can have no right to fix upon it her own peculiar construction.

So much, sir, for the argument, even if the premises of the gentleman were granted, or could be proved. But, sir, the gentleman has failed to maintain his leading proposition. He has not shown, it cannot be shown, that the Constitution is a compact between State Governments. The Constitution itself in its very front, refutes that: it declares that it is ordained and established *by the People of the United States*. So far from saying that it is established by the Governments of the several States, it does not even say that it is established by the *People of the several States*; but it pronounces that it is established by the People of the United States, in the aggregate. The gentleman says it must mean no more than the People of the several States. Doubtless, the People of the several States, taken collectively, constitute the People of the United States; but it is in this, *their* collective capacity,

it is as all the People of the United States, that they established the Constitution. So they declare; and words cannot be plainer than the words used.

When the gentleman says the Constitution is a compact between the States, he uses language exactly applicable to the old Confederation. He speaks as if he were in Congress before 1789. He describes fully that old state of things then existing. The Confederation was, in strictness, a compact; the States, as States, were parties to it. We had no other General Government. But that was found insufficient, and inadequate to the public exigencies. The People were not satisfied with it, and undertook to establish a better. They undertook to form a General Government, which should stand on a new basis—not a confederacy, not a league, not a compact between States, but a *Constitution*; a Popular Government, founded in popular election, directly responsible to the People themselves, and divided into branches, with prescribed limits of power, and prescribed duties. They ordained such a Government; they gave it the name of a *Constitution*, and therein they established a distribution of powers between this, their General Government, and their several State Governments. When they shall become dissatisfied with this distribution, they can alter it. Their own power over their own instrument remains. But until they shall alter it, it must stand as their will, and is equally binding on the General Government and on the States.

The gentleman, sir, finds analogies where I see none. He likens it to the case of a treaty, in which, there being no common superior, each party must interpret for itself, under its own obligation of good faith. But this is a Constitution of Government, with powers to execute itself, and fulfil its duties. I admit, sir, that this Government is a Government of checks and balances; that is, the House of Representatives is a check on the Senate, and the Senate is a check on the House, and the President a check on both. But I cannot comprehend him, or, if I do, I totally differ from him, when he applies the notion of checks and balances to the interference of different Governments. He argues, that if we transgress, each State, as a State, has a right to check us. Does he admit the converse of the proposition, that we have a right to check the States? The gentleman's doctrines would give us a strange jumble of authorities and powers, instead of Governments of separate and defined powers. It is the part of wisdom, I think, to avoid this; and to keep the General Government, and the State Governments, each in its proper sphere, avoiding, as carefully as possible, every kind of interference.

Finally, sir, the honorable gentleman says, that the States will only interfere, by their power, to preserve the Constitution. They will not destroy it, they will not impair it—they will only save, they will only preserve, they will only strengthen it! This is but

the old story. All regulated Governments, all free Governments, have been broken up by similar disinterested and well disposed interference! It is the common pretence.

After this discussion concerning the relative powers of the Federal and State Governments, the debate continued for several weeks, and the speakers wandered from the subject of the public lands to discuss almost every topic of general interest connected with the politics of the day.

The right of the President to remove without cause was examined, and the proscriptive system of the present administration was severely censured and as earnestly defended.

Many of the speeches were distinguished for eloquence, ingenuity and power, but it would be inconsistent with the plan of this work to pursue the analysis of the debate.

The original cause of Mr Foot's resolution still subsisted in the bill for the graduation of the prices of public lands, which had been brought forward early in the session by Mr Benton and was still urged upon the Senate. This bill provided, that after the 30th of June, 1830, all lands which had been subject to private entry since 1827, might be entered at \$1 per acre; that heads of families, single men over 21, and widows might each enter one quarter of a section, remaining unsold on payment of seventy-five cents per acre and on forthwith settling and cultivating the

same for five years. Preemption rights of  $\frac{1}{4}$  section were to be granted to settlers at seventyfive cents per acre. Provision was also made for the closing of land offices in districts where the land was sold, and for fixing the fees of the land officers.

According to the bill, as originally proposed, all land remaining unsold on the 30th of June, 1835, was to be transferred to the States within which it was situated, for the purposes of promoting education and internal improvement; but upon motion of Mr Hayne, this provision was stricken out, as was one (upon motion of Mr Woodbury) authorizing donations of 80 acres each, to persons in indigent circumstances. The bill was brought up for final decision on the 5th of May. Mr Clayton, moved to postpone the bill indefinitely, not because he was opposed to an equitable graduation or reduction of the price of the public lands (according to the real value) that had remained in the market at the minimum price for a length of time and unsold, but because he objected to the principle as established by this bill, of equalizing the value of the seventy millions of acres of the public lands upon which it is intended to operate. This motion was negatived, yeas 20, nays 25.

Mr Bell then moved to lay the bill on the table until the next day, in order that it might be printed as amended, which was negatived by yeas and nays, 22 to 23.

The bill was then ordered to be engrossed for a third reading, yeas 24, nays 52, and was finally passed by the Senate on the 7th of May by the same vote.

It was taken up in the House on the 29th of May, two days before the close of the session, and it being deemed too late to discuss a bill involving the policy of the existing land laws of the United States, a motion was made by a western member to lay the bill on the table, which was carried, 82 affirmative and 68 negative.

Although the ostensible cause of this great debate in the Senate was thus disposed of, the real question at issue concerning the relative powers of the Federal and State Governments was still agitated and in South Carolina the nullifying party made strenuous efforts to obtain possession of the State Government, with the avowed intention of carrying their principles into practice.

A State convention was demanded; but the proceedings in relation to that subject properly fall within the history of the next year.

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## CHAPTER V.

*Opening of the First Session of Twentyfirst Congress. — President's Message. — Retrenchment. — Amendments to Constitution. — United States Bank. — Tariff. — Bill to enforce ; Policy ; Discussion of and passage. — Bills to reduce Duty on Salt ; on Molasses ; on Tea and Coffee. — Tonnage Duties. — Cash Duties. — Mr Benton's Scheme. — Mr Cambreleng's Navigation Bill. — Discussion concerning Prosperity of Country.*

THE first session of the twentyfirst Congress commenced on the 7th of December, 1829.

Thirtyfive Senators appeared at the commencement of the session, and Samuel Smith resumed the Chair as President pro tempore.

In the House of Representatives 191 members answered to their names and proceeded to organize the House. Upon balloting for Speaker, the vote stood,

Andrew Stevenson, . . . .	152
Wm. D. Martin, . . . . .	21
Scattering, . . . . .	18

Mr Stevenson having been elected Speaker, the House adjourned to the next day, when the President of the United States transmitted his annual Message to Congress.

This message, which did not in point of expression fall behind those of his predecessors, will be found among the Public Documents.

It gave a succinct account of the foreign relations of the United States and stated emphatically that in the execution of that branch of his duties, 'it was the settled purpose of the President to ask nothing that was not clearly right and to submit to nothing that was wrong.'

The controversies with England, growing out of the disputed boundary and the colonial trade, were stated to be in a train of adjustment, and a strong hope was expressed that the efforts to arrange the terms of intercourse with the British Islands would prove successful.

The claims with France were said to have been made the subject of the special attention of our minister, who was instructed to urge their settlement upon the French Government as a matter which must continue to furnish the subject of unpleasant discussion and possible collision between the two Governments.

The ministers at Denmark and Spain were urging the claims of American citizens upon those Governments upon their attention; and their claims upon the South American Governments were stated to have been satisfactorily adjusted.

A treaty had been made with Austria, and one with Turkey, it was intimated, might be expected.

The relations with Portugal were said to have been renewed upon the principle of acknowledging the Sovereign *de facto*, and our relations with the new American powers were declared to be on a satisfactory footing, with the exception of Mexico, where an unfounded and extraordinary jealousy prevails.

Among the most urgent of his duties, the President considered that of recommending an alteration of the Constitution, so as to make the election of the Chief Magistrate immediate by the people, and to limit him to one term of service.

He also recommended the exclusion of Members of Congress from all offices except judicial, diplomatic or connected immediately with the Cabinet, and a general extension of the law limiting appointments to four years.

Some general observations were made respecting the tariff, and a modification of its details was recommended with the view of rendering it more acceptable to the different sections of the Union.

The condition of the treasury was declared to be flourishing. The balance in the treasury, Jan. 1st, 1829, was \$9,972,425. The receipts of the year were estima-

ted at \$24,602,230. The expenses at \$26,164,595; leaving a balance on the 1st Jan. 1830, of \$4,410,070. During the year \$12,405,005 had been paid on account of the public debt, reducing it on the 1st of Jan. 1830, to \$48,565,406, including \$7,000,000 subscribed to the stock of the United States Bank.

From this aspect of the public finances, he inferred, that the speedy discharge of the national debt would soon bring a large surplus into the treasury, which, however beneficial it might be to apply to the internal improvement of the country, could not be so applied, in the opinions of many, without a violation of the Constitution, and in the opinions of all, at the expense of harmony in the Legislative Councils. To avoid those evils, he recommended an apportionment of the surplus revenue among the several States, according to their ratio of representation.

The President also recommended the creation of a department, at whose head the Attorney General was to be placed, to enforce the collection of debts due to the United States.

The military academy was also highly recommended to the fostering care of Congress, and a modification of the pension law, so as to impart relief to every revolutionary soldier unable to maintain himself.

The attention of Congress was directed to the condition of the Indian tribes, and a system of policy recommended, which will be found fully detailed in chapter third. A suggestion was made

as to the propriety of modifying the judicial system of the United States by dividing the Circuit Judges into two classes, and providing that the Supreme Court should be held by these classes alternately; the Chief Justice always presiding. A new department was also recommended, to be called the home department; and a strong opinion was expressed against the propriety of renewing the charter of the United States Bank upon its expiration in 1836, on the score that the law creating it was deemed unconstitutional and inexpedient; and that it had failed in establishing a uniform and sound currency.

As a substitute to that institution, the President recommended the establishment of a National Bank, founded upon the credit and resources of the Government.

Other topics of less importance were also introduced in the message, which will be found among the Public Documents in the second part of this volume.

So much had been said by the supporters of the President during the late canvass, on the subject of retrenchment and reform, and the augmented expenditure of the Government had been so directly imputed to the extravagance of those administering it, that a general expectation prevailed that one of the first acts of the triumphant party would be to curtail the public expenses by abolishing offices which might be deemed useless, and by diminishing the salaries of those which could not be dispensed with. The two parties had join-

ed issue upon these points during the contest; one insisting that the increased expenses of the Federal Government furnished conclusive proof of the extravagance of the administration; and the other contending that they grew out of the increasing growth and prosperity of the nation, and the extended relations of the Government.

The people had decided in favor of the former, and it now devolved upon them to put in practice their maxims of reform. In the message to Congress the President invited that body to inquire into the condition of the Government, with the view to a general retrenchment of its expenses; and also recommended a vigorous prosecution of the outstanding claims of the Government, the recovery of most of which was deemed desperate.

Congress was looked to as a body, therefore, that would undoubtedly act upon this recommendation of the Executive, and the session opened with an expectation of the speedy realization of those promises of reform which had been so liberally made when out of power by the party now in possession of the Government.

Of the select committees appointed in the House, was one on this subject, composed of Messrs Wickliffe, Coulter, Davis, of Massachusetts, Lamar, Coke, Huntington and Dewitt.

The recommendation in the message was of course referred to that committee, as upon motion of Mr Chilton were also the bills reported by the committee on retrenchment at the last Con-



gress, in pursuance of the views inculcated in its celebrated report.

The subject was therefore again fully before the country, and the Committee felt bound to at least appear to act in behalf of a cause, upon which so much stress had been laid during the pendency of the appeal to public opinion. Bills were accordingly brought in at different times during the session, 1st, to regulate the mileage of members of Congress; 2d, the allowance for forage to army officers; 3d, to prevent improper allowances to public agents in settling their accounts; 4th, to abolish the board of Navy Commissioners; 5th, to prohibit the use of secret service money in time of peace; 6th, to abolish the office of Major General in the army; 7th, brevet rank both in the army and marine corps; 8th, to abolish the practice of annually examining the land offices; 9th, to regulate the pay of Military and Naval Officers; 10th, to secure the accountability of public agents in foreign countries.

Resolutions were also brought in by the Committee to abolish the office of Draughtsman of the house; to diminish the expenses of public printing, and also in favor of specific appropriations; but they were permitted to remain undisturbed except the resolution relating to the Draughtsman, which after long and frequent debates was carried, 95 affirmative, 86 negative.

A similar fate attended the bills reported to curtail the expenses of the Government, with the exception of that abolishing

the practice of examining the books of the land offices once a year and ascertaining the balance in the hands of the receivers. This bill was passed into a law, but the others, which aimed more directly at retrenching expenses, that were stigmatized as indications of the corrupt administration of affairs, were not deemed of sufficient importance to warrant a vigorous effort to carry them.

That establishing a uniform mode of computing the mileage of members of Congress indeed received the sanction of the House of Representatives, but was laid on the table in the Senate upon motion of Mr Bibb, and remained there until the termination of the session. Most of the other bills remained undisturbed in the House, and the session closed without further notice of a subject, which had proved the cause of so much agitation and invective during the last administration.

Nothing was retrenched and the attempts which were made by some of the accounting officers of the Treasury to introduce a new system into that department, caused so much confusion and inconvenience, that Congress was compelled by resolution or by law to direct the continuance of the former allowances.

The cause of reform fared no better in the Senate, where a select Committee was appointed to take this and other subjects of a political character into consideration.

Bills were reported by the chairman (Mr Benton) to carry into effect the principles of reform, which had been so highly praised,

viz) to regulate the publication of the laws and public advertisements; to displace defaulters; to regulate the appointment of post masters, cadets and midshipmen, and to prevent military and naval officers from being dismissed at the pleasure of the President.

The period however had passed when these bills were in the opinion of the former, indispensably necessary; *tempora mutantur et nos mutamur in illis*, had now become the motto of the dominant party, and the work of retrenchment and reform found as little favor in the Senate as in the other branch of the Legislature.

The amendments to the Constitution were deemed equally unimportant and met with like neglect. The message of the President recommended them to the attention of Congress, and the Committee in the Senate pursuant to the recommendation reported a resolution to amend the Constitution by altering the mode of electing the President and Vice President. Nothing however was done to give effect to the recommendation, and the amendment of the Constitution slept side by side with the reform in the administration of the Government.

These subjects of excitement had subserved the purposes for which they were intended, and the objects of the agitators being answered in the triumph of their party, the instruments by which they had accomplished their ends, were laid aside as no longer necessary.

Another topic introduced into the message, met with a still worse

reception in Congress. The President had thought it incumbent on him to express a strong opinion against the propriety of renewing the charter of the bank of the United States, which expires in 1836. The bank had not applied for a renewal of its charter, but as the attention of Congress had been thus distinctly directed to this institution, it was referred to the Committees on finance in the several Houses of Congress for examination.

The subject was fully considered by these Committees, and on the 13th of April, 1830, Mr McDuffie, the chairman of the Committee of ways and means in the House, made a report diametrically opposite to the recommendation of the President.

Respecting the first proposition contained in the message, that Congress had not the constitutional power to incorporate a bank, the committee deemed that question no longer open for discussion. They however cited in its behalf, not only the decisions of the judiciary and the opinions of all the leading statesmen of every party, but the official sanction of every President, including Mr Jefferson, under whose administration the old bank was authorized to establish a Branch at New Orleans.

The first bank of the United States was incorporated about two years after the formation of the Government, when most of the framers of the Constitution were either in Congress or in the Cabinet. The act incorporating it was passed by large majorities and received the sanction of General

Washington. This bank continued its operations for twenty years, during which time public and private credit were advanced to an elevated condition, and the finances of the country placed upon a solid foundation.

Mr Jefferson came into power after a violent political conflict, and the bank was in popular opinion associated with those measures, which had rendered the federal party unpopular.

As a party, therefore, those administering the Government were opposed to the renewal of its charter, and on the proposition to renew it, the question was negatived by the casting vote of the President of the Senate and by a majority of a single vote in the House of Representatives.

Within less than three years after the expiration of the charter, the circulating medium became disordered, the public finances deranged, and the public credit impaired. Every member of the Cabinet was convinced by experience of the necessity of a national bank, and the measure was recommended to Congress by the Secretary of the Treasury (Mr Dallas). Congress accordingly took the subject into consideration, and finally passed by large majorities, the act incorporating the present bank.

This history of the bank furnished a strong argument in favor of its constitutionality, and in addition to this, there was a decision of the Supreme Court directly to the same point. The committee then made an examination of the constitutionality

of the bank as shown from the Constitution itself, and came to the conclusion, that Congress was empowered to institute a bank not only as one of 'the necessary and proper means' of executing the powers vested in it by the Constitution, but also as an indispensable means in regulating the national currency.

They also came to a different opinion from that contained in the message respecting the expediency of the measure. At the time when the bank was established, the currency of the Union was disordered to such an extent that in some places it was depreciated 25 per cent more than in others.

The circulating medium of the United States had been increased by the excessive issues of the banks to \$110,000,000; and the effects of this depreciated currency were not only manifested in all the business transactions of the community, but had been productive of irretrievable ruin to thousands of innocent individuals.

Shortly after the establishment of the bank, the other banks were compelled to resume specie payments and within three years from the date of its charter, the circulating medium of the country was reduced to \$45,000,000, and the nation furnished with a sound currency, more uniform in its value than specie itself, and of absolute uniform value for all the purposes of paying the public contributions and disbursing the public revenue.

As the annual collections of the government amount to \$23,000,-

000, for nearly one half of the whole circulating medium of the country, the bills of the bank are thus rendered of nearly uniform value for all purposes, and more so than the circulating medium of any country of equal extent in the world.

They therefore concluded, that the bank had fulfilled the ends for which it was chartered, and that if the question were now on the renewal of its charter, that expediency and a regard for the public interest would dictate its renewal.

Those in whose hands the institution was now placed had managed it with discretion and ability, and had scrupulously avoided all interference with politics. The stockholders had generally purchased in at advanced prices, and a large portion of them were small capitalists or trustees of widows and orphans, and it was believed that as advantageous terms could be obtained by the Government for a renewal from the present bank, as from any new institution with a greater certainty of their being fulfilled.

The Committee then proceeded to examine the proposition of the President to establish 'a national bank, founded upon the credit of the Government and its revenues.' Without branches they thought it would fail to furnish a currency, that would be available to the Union at large and would in effect be merely a district bank, but whether with or without branches it would be objectionable; inasmuch as it would vest in its direction the power to pledge the whole credit and resources of the

United States, and would take away all limit to excessive issues. With branches, it would be still more objectionable, as it vested the Federal Government with a patronage of most extensive influence and embracing the control of all the bank accommodations to the startling amount of \$50,000,000. Such a control would introduce more corruption in the Government, than all the patronage now belonging to it. It was a desperate financial experiment, without a parallel in the history of the world. The Committee also doubted the power of Congress to vest the power of loaning the public funds in another body; but, if it were clear, the objections to the scheme were so obvious and conclusive, that they unhesitatingly condemned it as pregnant with the most portentous mischiefs and calculated to introduce the most pernicious influence into the public councils.

The report from the Committee on finance in the Senate, concurred with that of the House in its conclusions, and was equally decisive in its condemnation of the sentiments of the President.

The friends of the administration formed a majority in both Committees, and the marked difference in the opinions entertained by them from that expressed in the message, afforded a striking proof of the want of harmony between the Cabinet and the party which had brought it into power.

The effect produced in the public mind by the message was entirely done away, and the stock of the bank, which had fallen

upon the delivery of the message from 126 to 120, rose after the publication of these reports to 127 and finally attained the price of \$130 per share.

On another topic of general importance, the recommendation of the President met with more favor. The Tariff of 1828, became a law during the excitement of a contested election, and in adjusting its details, more regard had been paid to the political effect of the law than to the permanent interests of the country, or to the rules of political economy. Indeed some provisions had been introduced into the bill by its enemies, with the express view of rendering it obnoxious, and the very end of the law, that of encouraging the woollen interest, was hazarded, and at all events rendered more difficult of attainment by the almost prohibiting duty imposed on the coarse wool of South America.

In his annual message the President had invited the attention of Congress to the subject, and stated, that the general rule to be observed in imposing duties upon articles of foreign production was that which would place our own in fair competition with those of other countries, except those articles which are of primary necessity in time of war. In laying down this rule for the modification of the tariff, an implied dissent, except as to articles required in time of war, was given to the principle of protection, upon which the tariff of 1828, was founded; nor was any reservation made in favor of the princi-

ple of retaliation, a principle, which, in the opinion of many was deemed to have entered more largely into the motive to the tariff of 1828, than any desire to protect the American manufacturer from foreign corruptions.

In modifying the tariff, the attention of Congress was particularly invited to the agricultural interest, as superior in importance to all other interests, which were deserving of encouragement only so far as they contributed to increase the value of agricultural productions; and it was also advised to unite in diminishing all burdens obnoxious to any particular section of the Union.

This recommendation was too cracular to be relied on as indicative of the real opinions of the President on this disputed question.

The exceptions in favor of articles required in time of war might be indefinitely extended, so as to comprehend more than even the advocates of an ultra tariff demanded.

A nation requires in war all and even more than it consumes in peace, and even in an army, woollen, cotton, linen and iron manufactures and a variety of other protected articles, are of prime necessity. Unless the exception be confined to fire arms, powder and ball, it is too indefinite to mean anything, and with that construction, the recommendation is hostile to the tariff policy.

It was probably so understood, and with the view of effecting a modification of the revenue system, several bills were introduced

to repeal or diminish the duties on various articles of general consumption.

This hostility to the tariff had been manifested early in the session by many of the friends of the administration; but an equally strong feeling of dissatisfaction with the existing law, on the ground of its inadequate protection to the woollen manufacturer, had induced the friends of the policy to bring forward the subject with the view of obtaining a modification of the law more favorable to their interests, and to prevent the frauds, which were alleged to be daily practised on the revenue.

A bill was accordingly reported in the House of Representatives by Mr Mallary, chairman of the Committee on manufactures on the 27th of Jan., 1830, to regulate the entry of woollen importations.

This bill provided, that a sworn copy of the invoice of manufactures, of which wool is a component part, should be delivered to the collector and compared with the goods which were to be sent to the custom-house for the purpose of comparison.

Provision was also made for the appraisement of the goods, and for the forfeiture of  $\frac{1}{4}$  thereof if the appraised value exceeded the invoice price more than 10 per cent;  $\frac{1}{2}$  thereof if more than 15 per cent; and for the forfeiture of the whole, if more than 20 per cent. A reappraisement could be demanded by the importer, or he might appeal to the Secretary of the Treasury, and provision was also made for forfeiture for altering or counterfeiting the marks

on the goods, and to prevent frauds or false valuations by foreign partners or agents of the resident importers. The bill received its 1st and 2d readings and then remained on the table until the 15th of April, when, after disposing of some preliminary business in the Committee of the whole house, Mr Mallary moved, that the Committee take up the bill amending the tariff, which was carried.

The bill having been read through —

Mr Mallary explained that the object of the bill being merely to give effect to the Tariff Bill of 1828, it involved no principle which was likely to distract the opinions of the House, as he presumed that all would unite in giving force to an existing law.

He then proceeded to show in what manner the law of 1828 had been violated, and to point out the efficacy of the remedy proposed by the bill under consideration. On the policy of foreign countries in reference to their trade, he made some remarks, exonerating France, Holland, &c, from any attempts to embarrass our trade. England adopting her new notions of free trade, has also adopted the impression that it is almost doing God service to put down our protective policy. He stated what were the regulations of the existing law by which collectors of the Custom Houses were governed. He showed that the cause of the great frauds that had been committed, was to be found in the fact that the goods were not left in the possession of the collector, as the

law presumed that they would be, and that the only goods over which he was able to exercise control, were the packages in the Appraiser's Office. He read from a private memorandum some opinions on the subject of the law.

Mr Cambreleng wished to know the authority to which he referred.

Mr Mallary replied that the authority was a good one.

Mr Drayton rose to order.

He wished to know if the gentleman from Vermont was not bound to give up his authority when asked for it.

The Chair decided that Mr Mallary was in order, and that it was entirely at his discretion to give or withhold his authority.

Mr Mallary then proceeded to read the memorandum which he had commenced, together with another which specifies the forms at the Custom House. One package in twenty only is sent to the Appraiser, and the other nineteen are distributed in all quarters, where they are beyond the reach of the Collector either for the purpose of enforcing penalty or ascertaining value.

He stated that goods which it was known would produce five dollars in Boston, had passed the Custom House in New York under the dollar minimum.

As to the evasion of the revenue, he referred to the message of the President, and to the report of the Secretary of the Treasury, to show that they are such as require remedy. The Collector of New York also admitted that monstrous evasions of the revenue have taken place: but he wanted

the power to prevent them. Here he complimented the vigilance and industry of the present Collector in the highest terms. He had done his duty as far as he could; and the present bill would give that power which is required to make his exertions effectual. He stated on the authority of an Appraiser, what was the practice in the Appraising Department.

Having gone through these statements, he inquired where was the security which this law was to give to the revenue? It was alleged that the foreign manufacturer and agent are honest men, who are to be trusted. Yet members of this House, it had been declared on this floor, could not be trusted to calculate their own mileage: and the Speaker could not be permitted to appoint a draughtsman.

He took a view of the condition of the importing business. Before the war, there were about fifty importing merchants in New York: now, there are not more than five or six. At Boston there were thirty or forty: there are now about seven. There are about six or seven out of seventy in Philadelphia; and they are in about the same ratio in Baltimore. Although there were formerly about 160 importing merchants, he could only now make out about sixteen. The nature of the importing business has also undergone great changes. He admitted the influence which auction sales had had in the corruption of trade, but contended that this corruption had been greatly increased by the successful frauds practised on the revenue.

On the subject of the individuals who are engaged in the importing trade, he stated that many of these were foreigners, who came here to carry on importations abuse our country, live two or three in a garret, where they make out their invoices, write essays on free trade, and having answered the purposes for which they came, return home to enjoy the profits of their labors. Thus the fair and high reputation of the American merchant had been undermined: but he hoped that the day was at hand when this reputation would be again placed on its once elevated station.

He stated, that from all the evidence he had seen, he was satisfied that in ten years there had been evasions of the revenue to the amount of thirty millions, being an average of three millions a year, in consequence of the fraudulent invoices of ad valorem goods. He then referred to the progress which smuggling had made within a short time, on the frontier. From an investigation, he had recently come to the inevitable conclusion, that great frauds were thus committed on the public.

After going through the general subject, he explained the details of the bill, as regards their character and operation, obviating the objections which had been made against it. The Committee had avoided the introduction of any new principle, and had kept as near the letter of the old law as possible.

He concluded with urging on the House the necessity of enacting some remedies for the

evils which had been proved to exist.

The subject was then postponed for other business, until the 26th of April, when upon motion of Mr Mallary the house again went into Committee of the whole, and resumed the consideration of the bill.

Mr McDuffie replied to Mr Mallary, and commenced by saying, that the bill under consideration was designed to enforce existing laws of the country, and effect a more faithful collection of the duties on imports. This was an object right and proper in itself, and one which he was willing to promote. He would be always in favor of enforcing the faithful collection of the revenue, even though he might object to the laws by which it was levied. In this case, however, he would attain the faithful collection of the revenue by a mode different from that contemplated by the bill. He would do it by diminishing the duties, and thereby removing the inducement to evade the duties. With this view he moved to amend the bill by striking out all of the bill after the first section, and inserting provisions reducing the duties on woollen and cotton manufactures, iron in bars and bolts, hemp, flax, molasses, indigo, cotton bagging, to what they were previous to the tariff of 1824; and that the duty on salt be reduced to 15 cents per bushel of 56 pounds, from and after the 30th of June next, and 10 cents after June, 1831.

Mr McDuffie said that the course prescribed by his amendment, would afford the best security for the faithful collection of



the revenue. He expressed his conviction that the present Tariff system was not only destructive of our commerce, ruinous to our commercial marine, and oppressive on the Southern States, but also oppressive on the great mass of the community, even on the manufacturing States themselves, where nine individuals are injured for the benefit of one. He then went at great length into all the arguments which have been from time to time advanced against the Tariff policy, and continued his argument on that question during the residue of that day and also the 28th and 29th of April, when the bill was again considered. The discussion being thus begun, was continued in Committee on the 3d, 4th, 5th, 7th, 8th, 10th, and 11th of May, when the bill was reported to the House with an amendment, which was in effect the substitution of a new bill, having, however, the same object in view. This bill with some unimportant amendments will be found among the Acts of Congress in the second part of this volume.\* Upon the report being read, Mr McDuffie moved the amendments proposed by him in Committee. The first, reducing the duties on woollen manufactures was negatived, 68 affirmative, 120 negative. The second relating to cotton, hemp, iron, molasses, &c, was negatived, 70 aff. 117 neg. and the third reducing the duty on salt, to 15 cents per bushel after September 1st, 1830, and 10 cents after September 1st, 1831, was carried, 120 affirmative, 83 negative.

Mr Wilde then moved an amendment, the effect of which was to repeal the tariff of 1828, which was negatived 68 affirmative, 120 negative. Mr Gorham then moved a reconsideration of the 2d amendment proposed by Mr McDuffie relating to the duties on hemp, iron, flour, molasses, indigo and cotton manufactures. Mr Gorham said that he had voted in good faith with the friends of protection, against what was regarded as a general hostile movement against the tariff. His own original objections to the tariff were known, and his reasons for refusing to repeal it after the system had been established. He had now voted with the friends of the system, against any part of the repeal proposed by the gentleman from South Carolina, even on those articles, iron, hemp, &c, on which he most disliked to continue the duty; but as the decision of the House on the salt duty showed that it was willing to diminish the duty on one article, it was necessary to re-open the subject, and see whether it would not also modify the duty on other articles equally deserving of reduction. He, therefore, had made this motion, and went on to sustain it by argument at considerable length.

Mr Storrs, of N. Y. concurred with Mr G. in his objections to the repeal of the salt duty, and in favor of his motion. The State of New York had been a firm supporter of the protecting system, but let its friends repeal the salt duty, and thus touch one great source of her canal fund,

\* Vide 2d part, page 222.

and force her to resort to a direct tax to supply the loss, and gentlemen would find that State not going with them much longer in supporting the other parts of the Tariff.

After some desultory debate the House adjourned to the next day, when Mr Gorham again briefly explained his object in making the motion and asked what would be the effect of now moving the previous question?

The Speaker said it would then bring back the House to the question of reconsideration.

Mr Gorham then asked, that, supposing he withdrew his motion to reconsider, and then moved the previous question, what would be the effect?

The Speaker said the effect would be to bring back the bill before the House in its original shape, as reported by the Committee on Manufactures, excluding all the amendments made in Committee of the Whole.

Mr Gorham said, such was his own view. He would therefore withdraw his motion to reconsider, and move the previous question.

He considered the vote upon the Salt Duty as breaking in upon the present system of revenue, instead of regulating its collection, which was the object of the original bill now under consideration. He appealed to gentlemen whether it was possible to pass any bill on this subject at this Session if the whole field of debate was thus thrown open. Mr G. concluded by saying, that, under this view of the case, if any gentleman would move to reconsider the vote upon the Salt Duty, so as to make

it possible to agree upon any bill upon this subject, he would, to make way for such a motion, withdraw the motion he had made.

Mr Doddridge, of Virginia, having intimated a disposition to make the motion suggested by the member from Massachusetts, Mr Gorham *withdrew* his motion; and Mr Doddridge moved to *reconsider* the vote upon Mr Barringer's amendment for reducing the duty *on Salt*.

Mr Wayne, of Georgia, asked whether it was the intention of the gentleman from Massachusetts to renew his motion \*if the pending motion was rejected.

Mr Gorham declining to make any pledge on that point —

Mr Wayne, taking it for granted that such was the intention of Mr Gorham, made a decided speech against the course now proposed, considering it as a mere proposition, call it by what name gentlemen would, of bargain and sale; against which he inveighed with considerable warmth and zeal.

Mr Barringer, of North Carolina, deprecated a protracted debate on this question of reconsideration, and expressed great regret that so much difficulty should exist in obtaining a reduction of the duty on this necessary of life. He dwelt upon the course of the State of North Carolina in reference to this duty and to the Tariff generally, and made a very strong appeal to the magnanimity and spirit of conciliation of members from other States to grant this little boon to a State which had heretofore asked for so little, and submitted so cheerfully to the laws regulating the duties on im-

ports, and to the general legislation of Congress. Mr B. concluded his speech by a motion for the previous question (which would have been upon the question immediately pending, viz. reconsideration.)

The House refused to second the previous question, by a vote of 98 to 83.

Mr Reed, of Massachusetts, then presented his views of the subject of the duty on Salt. He reviewed the history of the Salt manufacture, from its beginning at the commencement of the Revolution, and its present state. He expatiated on the value of this manufacture and the cheapness of the article now produced by the Eastern manufactories; and showed the very different state of things existing now from that which existed when the duty was fixed—a state of things which in his view afforded a strong argument against the proposed reduction of duty. He repelled the suggestion of *bargain* in this matter, remarking that all legislation was founded on compromise, and that giving it an ill name did not change its general principle.

Mr Vinton, of Ohio, addressed the House at considerable length against the repeal of the duty; when he had concluded—

Mr Thompson, of Georgia, moved to lay the motion to reconsider on the table, and asked for the ayes and noes, but he withdrew his motion at the request of

Mr McCoy, who then spoke in favor of the repeal of the duty, and against the motion to reconsider. He renewed the motion to lay the resolution on the table.

The ayes and noes were then ordered.

The question was then taken and decided in the negative—ayes 95, noes 101.

Mr Polk then made some observations against the motion to reconsider.

Mr Everett thinking the question sufficiently argued, demanded the previous question.

Mr Wayne moved a call of the House, but the motion was negatived—ayes 68.

The call for the previous question was seconded.

Mr Cambreleng asked for the ayes and noes on the previous question, which was ordered.

The House then decided that the main question be now put—ayes 171, noes 25.

The ayes and noes were then ordered on the motion to reconsider.

The question was taken and decided in the affirmative—ayes 102, noes 97.

So the House agreed to reconsider.

The question then recurring on the amendment proposing to reduce the duty on salt,

Mr McDuffie modified the amendment so as to defer the reduction to 15 cents, to the 1st of September, 1831, and the reduction to 10 cents, from and after the 31st December, 1832.

The debate was now renewed, and continued with unabated animation and occasional pungency during several hours.

Messrs Cambreleng, Drayton, Barringer, Angel, Semmes, Craig of Va. Jennings, Wilde and Lear, advocated the amendment, and

the propriety of reducing the duty; and Messrs Spencer of N. Y., Mallary, Storrs of N. Y., Irvin of Ohio, Test, Davis of Mass., and Reed, opposed the amendment for various reasons; some because they were opposed to the reduction as impolitic, and which would not diminish the price to the consumer; others that it was improper, connected with this bill; others that it would put the bill itself in jeopardy, though they were not opposed to the repeal of the duty, if it were an unconnected proposition. For the reason last mentioned, Messrs Ramsay and Miller stated they should vote now against the amendment, although they yesterday voted for it.

The question at length being put on the amendment, it was negatived by the following vote: 98 affirmative, 102 negative.

The question then recurring on the substitute to the original bill, agreed to in Committee of the Whole,

Mr Polk called for a division of the question so as to leave for separate decision, the section containing the amendment respecting the duty on iron (the 9th,) offered in Committee of the whole, and after some explanatory remarks by Mr P. and some passages between him and Mr Sterigere on a point of order,

The question was put on all the sections of the substitute, excepting that above mentioned, and agreed to by yeas and nays—ayes 185, nays 11.

The question then came up on the amendment of Mr Scott, striking out the provisos in the 9th section of the bill.

The question being put on striking out the proviso, it was negatived by yeas and nays—ayes 36, nays 140.

Mr Chilton moved to include in the amendment imported iron 'used for axes, hoes, or ploughs, or for any other purpose of agriculture,' and made some remarks against favoring large and wealthy rail road companies, and refusing the same favor to the poor who labored for their bread. He concluded by asking for the yeas and noes on his amendment, but they were not granted, and the amendment was negatived—ayes 57.

Mr Drayton then moved to add to the amendment an amendment providing for a repeal, after December next, of the duty laid on imported slates by the tariff of 1828, and he exhibited a number of reasons, and several facts in support of his amendment.

Mr Buchanan made a statement of facts relative to the abundant supply of slates which Pennsylvania furnished, to show the inexpediency of the amendment.

Mr Carson replied to Mr B. and controverted the propriety of allowing a profit of 300 per cent to the workers of slate in the United States, and Mr Hunt and Mr Ihrie sustained the statement of Mr B. to show the capacity of the country to supply plenty of slate, but that the business could not be prosecuted without the protecting duty.

It being now after 8 o'clock, a motion was made to adjourn—but negatived.

Mr Drayton replied to all the objections, to show that the duty was onerous and improper.

The question being then put,

the amendment offered by Mr D. was rejected — ayes 55.

Mr Tucker rose to move an amendment, that after June next, the duty on molasses be reduced to five cents a gallon. He confessed that he had, when the obnoxious tariff law of 1825 was before the House, voted for the high duty on molasses, in hopes of killing the bill; he thought he could make good come out of evil; but he was deceived. He did not think the friends of that bill would swallow the molasses, but he was disappointed. As he, however, had aided to put on the duty, he now wished to try to take it off, and he asked the yeas and noes on the question; but they were refused by the House; and

The amendment was negatived without a division.

Mr Drayton then moved that after the 30th of June next, the same duty now imposed on a ton of slates, be imposed on 1000 slates, for reasons which he explained; but the motion was negatived.

The question was then put on the amendment of Mr Scott, to insert the 9th section, which was carried, yeas 103, nays 69, and the bill ordered to a 3d reading, 118 affirmative, 24 negative.

On the 13th of May the bill was read a third time, and the question stated — ‘shall the bill pass?’

Mr Hall, of North Carolina, made a few remarks, embracing his objections to this bill and to the system of which it is a part; and stating that even had the repeal of the duty on salt been retained, much as he desired that measure, he could not have voted

for the bill. He called for the yeas and nays on its passage, and they were ordered.

Mr Tucker, of South Carolina, entered pretty largely into a statement also of his objections to the bill, and to the protecting system.

He was followed by Mr Chilton, of Kentucky, who argued earnestly at some length on the same side, and concluded with a motion to lay the bill on the table, which was negatived.

Mr Cambreleng briefly stated why he should vote for the bill, notwithstanding his repugnance to some of its provisions, which he deemed improper, but which he relied on the Senate to rectify.

The question was then put on the passage of the bill, and decided in the affirmative by the following vote: 127 yeas, 41 nays.

In the Senate the bill was referred to the Committee on Commerce, which reported it with verbal amendments, and on the 19th of May it was brought up for consideration, when the amendments were agreed to. Mr Chambers then moved further to amend the bill by inserting in the sixth line of the third section, after the word ‘article,’ the words ‘of same price in the invoice;’ it was determined in the negative, as follows: yeas 18, nays 24.

The bill was then further amended and reported to the Senate; and the amendments being, in part, concurred in, the bill was further amended, and on the question of engrossing the bill for a third reading, it was determined in the affirmative — 28 yeas, 14 nays.

The bill was then sent back to the House, where the amendments were concurred in, and the bill being sanctioned by the President became a law.

The divisions so frequently taken during the progress of this bill, showed that a strong party in the House was in favor of reducing the duties on salt and molasses, and it was determined to urge these subjects on the consideration of Congress. As many had declared their willingness to vote for a reduction of the duties on these articles, but had intimated a wish to have the subjects distinctly presented, separate bills were introduced for each article. The salt duty had been frequently agitated during the session, and on the 13th of May, Mr Taliaferro moved a resolution to instruct the Committee on Ways and Means to prepare a bill to reduce the duty to ten cents per bushel, and after September 30, 1831, abolishing the duty altogether. This resolution was discussed during the hour allotted to the consideration of resolutions on the 15th, 17th and 18th of May, when it was withdrawn; the mover having been informed that the Committee had prepared a bill on the subject.

On the 19th, accordingly, Mr McDuffie, from the Committee on Ways and Means, reported the following bill:

Be it enacted, &c, That the duty on salt be fifteen cents per bushel of fiftysix pounds, from the 31st of December next, until the 31st of December, 1831, and after that time, ten cents per bushel, and no more.

The bill having been read, Mr Earle opposed the second reading of the bill.

The question being put—‘shall the bill be rejected?’ Mr Davis, of South Carolina, moved a call of the House, which was ordered.

The bill was proceeded in until the doors were closed, when further proceedings were dispensed with, and the doors were opened. Mr Miller briefly gave his reasons for voting in favor of this bill.

Mr Davis, of Massachusetts, spoke against the present reading of the bill a second time, and pledged himself, if it were postponed, to offer a resolution, calling for information which was necessary for the correct action of the House. He moved to postpone the bill till the first Monday in January.

Mr P. P. Barbour asked for the previous question—yeas 92. So the call was seconded.

Mr Powers moved to lay the bill on the table.

On the call of Mr Conner the ayes and noes were ordered on this question.

The question was then taken and decided in the negative—yeas 83, noes 102.

The ayes and noes were then ordered on the question—‘shall the main question be now put?’ which main question is—‘shall the bill be rejected?’

The question was then taken, and the House determined that the main question shall be now put—yeas 110, noes 73.

The question was then taken on the question—‘shall the bill

be rejected?' and decided in the negative — yeas 84, nays 102.

On the 20th the bill was read a second time, when Mr King, of New York, moved that the bill be committed to the Committee of the whole House.

Mr McDuffie opposed this course, as merely going to produce delay and a defeat of the bill, which if there was a majority favorable to the object should be acted on immediately to effect its passage this session.

Mr Ingersoll moved that the Committee of the whole be instructed to amend the bill so as reduce the duty on molasses to five cents per gallon, and to allow a drawback on spirits distilled from foreign molasses.

Mr Ingersoll said, if there was one article on which the tariff of 1828 operated unjustly, it was that which he now sought to relieve. The injustice of the double duty imposed on molasses, in 1828, would be very generally acknowledged, and by none more frankly than those by whose votes the increase was effected. No man would now deny that molasses was loaded with a heavy duty for the purpose of rendering the tariff odious. It was hoped by the Southern gentlemen who voted it in, that the bill would be thus drugged by too heavy a dose to go down. In that they were disappointed, and he was glad to see a disposition, which had been expressed on a late occasion, by one of those who was in the vote, to undo what had in that respect failed to answer the object intended. Mr Ingersoll felt more soli-

citude on this subject at the present time, from having recently examined with care the report from the Treasury Department, in regard to the commerce and navigation of the country for the past year. He found in that document that our trade with Cuba, the island from whence our greatest importations come, had declined nearly a million of dollars during the past year from what it had usually been. The cause of this decline was principally to be attributed, as he learned from a most intelligent resident in that island, to the fact that under our present heavy duty upon molasses, taken in connexion with the expenses of freights and casks, the islanders could not make sales of the article to us to any extent; and they now actually spread over their land and use as manure immense quantities of molasses, which they would gladly exchange for the lumber and breadstuffs of our country if we would but let the trade go on. Are gentlemen aware, said Mr Ingersoll, that the trade with Cuba is one of the most valuable branches of our foreign commerce? It stands on the list next to England and France in amount, and strike out the articles of cotton and tobacco, which go to these countries, and it will exceed our trade with both nations. Nay, sir, as a market for our breadstuffs it is more valuable to us than all Europe. It is, too, a trade in which every section of this country is deeply interested — it has no sectional bearing. It takes, in large quantities, the rice

of the South, the lumber of North Carolina, the grain and beef of the West, which descend the Mississippi, and find there almost their only foreign market—the flour of the Middle States, the corn, meal, lumber and live stock of New England. Besides this, immense quantities of our manufactured articles find an outlet there. Not those manufactures which are obnoxious to some parts of this country, but those which are produced in the workshops of our mechanics in every State of the Union—such as hats, leather, carriages, shoes, harnesses, soap, candles and cabinet furniture. A trade like this is one of the last that should be shackled. We impose heavy duties on European goods, because we cannot barter away our breadstuffs or agricultural products for them; but here is a market that offers to take everything that you will send—it invites to it every interest that can be named. Why, then, cripple it by an ungenerous regulation of your own? and why visit your heaviest tax upon the humblest article which goes into the consumption of the poorest people of the country?

Mr Ingersoll said he would say a few words as to the proposed reduction of the duty on salt, as he might not have another opportunity to give his reasons for the votes he had given, or should give, on that question. The salt trade of this country had not been correctly represented. We have heard much of the salt tax, as bearing severely and peculiarly on the poor: and so far as that

was the case, he could go as far as any man in extending relief. But there never was a time, even when salt was duty free, that it could be had cheaper than it now can, even on the seaboard; and never so cheap in the interior, near the extensive salt works which have grown up under the operation of the existing duty. The bulk of our importation of salt, and on which most of the duty operates, is not the coarse West India salt used to pack provisions, and which is consumed principally by the poorer citizens, but the refined, or blown salt, as it is called, which we import from Liverpool, or other ports of Great Britain. The value of foreign salt imported during the last year, as appears by the Treasury returns, amounted to 714,618 dollars, of which 467,213 dollars was imported, not from Turk's Island or from any West India port, but from England and Ireland. This kind is imported principally in its refined and manufactured state, for the tables of the rich, and is as fair a subject for revenue as any one that can be named. He should be opposed to reducing the duty on this refined article; but would cheerfully reduce the duty on the coarse and strong West India or Turk's Island salt, because that was used by the poor, and goes largely into the agricultural operations of the country. Should the amendment which he now offered prevail, he pledged himself to follow it up by another, making a discrimination on salt, that he thought would be acceptable to every part of the House.



Mr Tucker, for the purpose of bringing on a decision upon the bill by itself, moved the previous question; which motion being seconded by a majority, and the previous question being sustained by a vote, by yeas and nays, of 98 to 86.

The main question was then put, viz: 'Shall the bill be engrossed and read a third time?' and was decided in the affirmative by the following vote: yeas 103, nays 87. .

On the 27th of May the subject was again resumed and the question on the passage of the bill being stated, a motion was made by Mr Storrs, of New York, that the said bill be recommitted to the Committee of Ways and Means, with instructions so to amend the same as to postpone any reduction of the duty on salt until the 30th September, 1831.

Mr Storrs alleged as a reason for his motion that he wished to give the State of New York time to alleviate by her legislation the effect of this measure on her interest, and to adopt her policy to a change which would inflict so great an evil on her pecuniary interest.

Mr P. P. Barbour moved the previous question.

Mr Stanberry moved to lay the bill on the table; on which motion Mr Vinton demanded the yeas and nays, and they were ordered.

Mr Potter moved a call of the House.

[At this moment a number of the Senators coming into the Hall, it was ascertained that the Senate had adjourned; and as the joint

rules of the two Houses provide that 'no bill that shall have passed one House, shall be sent for concurrence to the other, on either of the three last days of the session,' it became a question, whether it would be worth while to pass the bill under consideration, inasmuch as this was the last day on which a bill could be sent to the Senate for concurrence, and the Senate had now adjourned.]

Mr Taylor was of opinion that as the Senate had adjourned, it would be useless to pass the bill, as it could not be sent there for concurrence.

Mr McDuffie said it was evident that the Senate had by inadvertence overlooked the rule, and had adjourned without being aware of the effect; therefore, doubtless something would be done to remove the difficulty, as there were several bills which it was indispensable to pass. He hoped, therefore, the House would go on with this bill and pass it.

Mr P. P. Barbour thought the bill could be sent to the Senate, notwithstanding it had adjourned. Suppose the Senate were not to sit two of the four last days of the session; could that deprive the House of the benefit of all the bills which might be passed by it? Sir, said Mr B., the Clerk of this House can deliver this bill today, if it pass, to the Secretary of the Senate, and the Senate can tomorrow take it up and act on it, although it be not in session today when the bill goes there.

Mr Vance now moved that the House adjourn, and the yeas and

nays being demanded by Mr Lamar, they were taken, and the motion was negatived — ayes 54, noes 127.

Mr Sterigere moved to lay it on the table, and the motion for a call of the House was ordered to lie on the table. The question was then taken on laying the bill on the table, and negatived — ayes 83, noes 99.

The previous question was then seconded by a majority of the House, and the previous question was carried by yeas and nays, 108 to 78.

The main question was then put on the passage of the bill and carried in the affirmative — ayes 105, noes 83.

So the bill was passed and sent to the Senate for concurrence.

In the Senate it was reported by the Committee on Finance without amendment, and on the 29th of May, on motion of Mr Smith, of Maryland, the Senate took up for consideration, as in Committee of the Whole, the bill entitled 'An act to reduce the duty on salt' — yeas 25, nays 12.

Mr Sanford then moved to postpone the bill indefinitely, which was negatived by the following vote: yeas 13, nays 24.

Mr Silsbee then moved to amend the bill by striking out all after the enacting clause, and inserting — *that from and after the 30th of June, 1832, the duty on salt shall be 12½ cents per bushel of 56 pounds, and no more*, which was negatived by the following vote: yeas 14, nays 20.

The bill was then reported and ordered to be read a third time —

yeas 24, nays 15, and became a law.

The bill reducing the duty on molasses met with less opposition. The duty itself had been augmented in reference to other objects, and those whose votes had contributed to that result were particularly anxious to remedy the evil that had been caused by their indiscretion in a moment of anger. On the 21st of May Mr McDuffie, from the Committee of Ways and Means, reported a bill to reduce the duty on molasses to five cents per gallon, and to allow a drawback of four cents per gallon on spirits, distilled from foreign materials.

The bill being read the first and second time, Mr McDuffie moved that the bill be engrossed for a third reading.

A call of the House was moved and ordered, but suspended before the Clerk had got through the roll.

Mr Wickliffe moved to lay the bill on the table, and asked for the yeas and nays on the motion, which being ordered, the question was taken, and the motion decided in the negative — ayes 56, noes 120; and the bill was ordered to be read a third time by a large majority.

On the 27th of May it was read a third time and put on its passage.

Mr Barringer moved the previous question, fearing that debate might arise on the bill and endanger it by delay.

Mr Vance moved to lay the bill on the table, which was negatived; and the previous question being

seconded and agreed to, the question was put on the passage of the bill, and decided in the affirmative, by yeas and nays, 118 to 60.

So the bill was passed and ordered to be sent to the Senate for concurrence.

In the Senate it was referred and being reported without amendment, it was on the 29th of May ordered to be read a third time, and passed by a vote of 30 affirmative, 8 negative.

The attempts to reduce the duties on these important articles at last proved successful, in consequence of each subject having been presented distinctly and separately to the consideration of the House. A bill introduced by Mr McDuffie, at an early period of the session (Feb. 5), for the same purpose, but including also a reduction of the duties on woollen and cotton manufactures, iron, flax, hemp, &c., was refused a second reading and laid upon the table, 107 yeas, 79 nays. The House evinced its determination to keep each subject of consideration distinct and separate, and to avoid a renewal of the interminable discussion concerning the tariff policy on abstract principles. A bill to reduce the duties on tea and coffee was sustained on different grounds. These articles did not come in competition with any domestic productions, and a reduction of the duties was advocated on account of their being of primary necessity, and lower duties being more conformable to the flourishing condition of the public finances. A bill for that pur-

pose was reported to the House on the 5th of February from the Committee of Ways and Means, and after being twice read, it remained on the table until the 15th of April, when Mr McDuffie moved in the Committee of the whole to take up this bill; which motion was agreed to, and the bill was taken up.

On motion of Mr McDuffie, the bill was amended by substituting a specific duty of two and a half cents a pound on coffee, instead of the ad valorem duty, and the period for the commencement of the reduction changed from June 30 to December 31, 1831.

On motion of Mr McDuffie, the bill was further amended by substituting a specific duty on the various teas (amounting generally to about half the former duty), instead of an ad valorem duty, and the period for its operation made the same as that of coffee.

Mr Conner, of North Carolina, then moved to insert a clause to reduce the duty on salt to ten cents a bushel.

Mr McDuffie beseeched his friend from North Carolina to withdraw this amendment. The merchants had been suffering for years for this bill; vessels were now coming in and insolvencies must be the consequence of further delay. The amendment would bring up a tariff discussion, and, although as much opposed to that whole system as any one, he deprecated bringing up the question on this bill. He therefore begged the gentleman to withdraw it.

Mr Conner, not apprehending

that his amendment would embarrass the bill, and deeming it a proper opportunity for trying the question, he declined withdrawing his motion.

Mr Barringer, of North Carolina, then moved so to amend the amendment of his colleague as to make the reduction of the duty on salt gradual—first to be fifteen cents till December 31, 1832, and after that time ten cents.

The question being put on the propositions successively, they were both negatived by large majorities.

On the suggestion of Mr Gorham, and after some explanation from him, the bill was so modified as to apply to teas imported from 'any place east of the Cape of Good Hope,' instead of 'from China' alone.

Mr Cambreleng moved to amend the bill so as to put coffee on the same footing as to the privilege of being deposited in the public stores, as tea.

This motion brought on some discussion between the mover and Messrs McDuffie and C. P. White, in the course of which the last named gentleman, in illustration of the subject, read the following statement :

Coffee imported in 1827, .	50,051,986 lbs.
Exported, . . . . .	21,697,789 lbs.
Consumed, . . . . .	28,354,197 lbs.
Coffee imported in 1828, .	55,194,697 lbs.
Exported, . . . . .	16,037,964 lbs.
Consumed, . . . . .	39,156,733 lbs.

The amendment was ultimately agreed to.

Mr Pearce made an unsuccessful

motion to insert a clause, to allow, after a certain period, a drawback of nine cents a gallon on rum ; when the bill was reported to the House.

On the 20th of April the House again took up the bill to reduce the duty on tea and coffee, with the amendment, reported thereto to the Committee of the Whole.

The amendment respecting tea was concurred in.

The amendment fixing the duty on coffee at 2½ cents a pound, after the 31st December, 1831, coming up, Mr Semmes, of Maryland, moved to amend the amendment by striking out 2½ cents, and inserting one cent as the duty. This duty, Mr Semmes said, was not necessary for the revenue, as under any modification of the tariff, that was likely to take place, the revenue would be sufficient to pay off the national debt as fast as it became due, and as the article did not come in competition with any domestic product, the duty was not necessary for protection. Further, the article was no longer one of luxury, but had become one of general and necessary use, and he for these reasons hoped the duty would be reduced to one cent, at the time proposed, and ultimately abolished altogether.

Mr Burges suggested the propriety of fixing the duty at two cents. This would be a very heavy reduction, and he thought would be sufficient for the present.

Mr Semmes said he would vary his motion so as to strike out the two and a half cents, and leave the blank to be filled with

two or one, as the House might decide.

Mr Ingersoll advocated the policy of gradual, not great and sudden reductions of duties. This was the reason why the Committee of Ways and Means reported in favor of two and a half cents, which was a reduction of one half the present duty. This alone would probably take off a million of revenue; and with the reduction on tea would amount to a diminution of two millions of revenue. The best and safest policy, he argued, was a gradual reduction of duties. He feared the amendment, if passed, would embarrass, perhaps defeat, the bill; and the agitation of the question so long before its passage, had already ruined many merchants.

Mr Semmes had abstained from going fully into the merits of the question when he offered his amendment, supposing every one was ready to vote on the subject. As it was opposed, however, he would offer a few reasons, more at large, in favor of his amendment. He did so, and avowed that he had himself been in favor of a total abolition of the duty, for the reasons briefly stated above; but had yielded to the suggestions of some members who were practical merchants, and who thought the total removal of the duty might afford opportunity for frauds, &c, and he had accordingly agreed to keep on a duty of one cent. He was in favor of repealing the duty on all articles which do not come in competition with domestic productions.

The question on striking out two and a half was decided in the negative — yeas 70, nays 81.

Mr Taylor, of New York, then moved to strike out the half cent, so as to leave the duty two cents. This motion prevailed — ayes 96.

Mr Semmes then moved to insert an amendment, to reduce the duty to one cent at the expiration of a year after the duty of 2 cents should go into operation; and for the first time, asked the yeas and nays. They were ordered, and the amendment was agreed to — yeas 108, nays 70.

Mr Reed, of Massachusetts, next moved to insert a clause to reduce the duty on Cocoa to one cent per pound. The present duty is two cents; and Mr Reed said there was last year imported 5,331,000 pounds. The common price is only five cents a pound, so that the duty was a high one in proportion, and the article entered largely into the consumption of the poorer classes. He would not argue the question, but hoped the amendment would prevail.

The amendment was agreed to without a division.

Mr Conner, of North Carolina, now renewed his motion which he had made in Committee of the Whole, modified agreeably to the proposition also made by his colleague (Mr Barringer), to reduce the duty on imported salt, first to fifteen cents, and at a stipulated period thereafter to ten cents a bushel; and he demanded the yeas and nays on the question.

Mr Barringer spoke at considerable length, and with earnestness, in support of the amendment.

Mr Gorham was opposed to trying this often debated and long contested question of a diminishing

or abolition of the salt duty on this bill, which was of great importance, had been reported unanimously, and received the general assent of the House, and might be defeated if this amendment prevailed, or was again debated at large. He therefore, for the first time in his life, moved the previous question; but withdrew it at the request of Mr McDuffie, who avowed his opposition to the salt duty as one of the most odious and oppressive features of the system by which the South was burdened; but if the amendment were adopted, it would not only embarrass the bill, but possibly defeat it. He hoped, therefore, the motion would be withdrawn, and not force a resort to the previous question, especially as there was a bill to come up (which he named) on which the motion would be consistent and proper.

Mr Conner denied that the motion would embarrass or defeat the bill, because if there was a majority for the amendment, the same majority would pass the bill. He therefore, for this and other reasons which he stated, but could not be distinctly heard, insisted on the amendment.

Mr McDuffie then moved the previous question, which was seconded by a majority of the House.

Mr Barringer demanded the yeas and nays on the previous question, which were taken, and the main question was ordered — yeas 107, nays 75.

The main question was accordingly put (on the engrossment of

the bill), and carried, and the bill ordered to a third reading.

The bill was accordingly passed the next day and sent to the Senate for concurrence.

In the Senate the bill was passed on the 13th of May, after an ineffectual attempt to insert a provision, reducing the duty on salt, which was rejected, 20 yeas, 26 nays.

The other amendments reported by the Committee on Finance not being important, were sanctioned by the Senate and concurred in by the House.

A bill abolishing the tonnage duties on vessels of the United States, and of all countries, where the discriminating duties are abolished upon vessels of this country, was brought forward in the Senate, and having passed that body without much opposition received the sanction of the House and of the Executive, and became a law.

Other measures, proposed with a view of modifying the revenue system were left for future consideration, or laid on the table as visionary and impracticable.

Among the former of these was a bill proposed in the Senate to alter the terms of credit on custom house bonds, with an ultimate design to establish a system of cash payments of duties.

This bill passed the Senate but remained in the House at the end of the Session among the unfinished business.

Among the latter was a bill proposed in the Senate by Mr Benton, which, like the advertisements of quack medicines, had

the catching title 'to provide for the abolition of unnecessary duties, to relieve the people of sixteen millions of taxes and to improve the condition of the agriculture, manufactures, commerce and navigation of the United States.'

Another bill of the same class was reported in the House by Mr Cambreleng from the Committee of Commerce.

This bill proposed to vest the President of the United States with power to arrange the commerce between the United States and other countries upon the following footing, viz: Whenever he should be satisfied that the produce and manufactures of the United States could be imported into any country at a rate of duty not exceeding thirty per centum, ad valorem, he was authorized, by proclamation, to admit twelve months after its date the importation of the produce and manufactures of that country into the United States at the same rate of duty.

On the 30th of April, when this bill was reported, Mr Cambreleng moved that it be committed to the Committee of the whole and printed.

Mr Mallary called for the reading of the bill; and it having been read, he said it would be impossible to act on such a measure at this session, if it ought to be acted upon at all; therefore, he moved to lay the bill on the table. At the request, however, of Mr Cambreleng he withdrew the motion to give an opportunity for explanation.

Mr Cambreleng said that the

majority of the Committee on Commerce, under whose directions he had reported this bill, were perfectly aware that the sentiments of the majority of the House were in opposition to it at this time. The Committee had directed him to say that it was not their intention to ask for its consideration during the present session — perhaps not at the next. The provisions of the bill are novel and important, and require matured deliberation. All that the Committee now desire is, that the measure should go forth to the nation — that it may be generally understood, and that the great agricultural interest of the country should determine for themselves whether they will exchange the produce of their farms for the merchandize of other countries, on terms of just reciprocity. There is no novelty in the principle of the bill — it merely proposes to carry out the rule of reciprocity which this Government has acted upon ever since the war. We have been for sixteen years proposing to all nations to abolish all restrictions on navigation — we have been proclaiming that we were ready whenever they were, mutually to exchange productions, on reciprocal terms. This I know is not the doctrine of some gentlemen in this House, but it is the voice of two thirds of the American people. They are willing to exchange the vast amount of their own productions for those of all other nations who are willing to receive them on terms of fair reciprocity.

Sir, we cannot be insensible to the contest now going on in Eng-

land — a contest between the democracy and aristocracy of that country, similar to that which we now see in this country — where the democracy, who are crying for cheap bread, are oppressed as the democracy of this country is by the aristocracy. Sir, what have I seen in this House? How were the tariffs of 1824 and 1828, passed? Have we not all seen duties voted by majorities of four and five votes? Were they not carried by the votes of those who were interested directly or indirectly in the stock of cotton and woollen companies — of members whose patriotism lies in the pocket — who imagined that their bankruptcy or prosperity depended on the vote they might give? Did not the ultimate fate of the tariff of 1824 depend on the casting votes of the Speaker, given on some of the items of the bill? Yes, sir, I say there is in this country an aristocracy of manufacturing capitalists who would, if they could, grind the democracy of this nation to ashes, as the nobility of Great Britain would the poor laborer who cries for bread. Sir, the Committee entertain no delusive hope that this bill will affect the policy of Great Britain — at least for some years to come. No — her policy in relation to grain is regulated and controlled as ours has hitherto been here, by those who are deeply interested in perpetuating monopoly. The great land proprietors of the House of Lords — the hereditary nobility — control the policy of Great Britain by their votes. It is not to be expected that a majority of that description will con-

sent, at least for the present, to receive our grain in exchange for British productions. Neither is it probable that France will, for some time to come, reciprocate commerce with the United States on the equal terms proposed by the bill. But there are other nations with whom a beginning may be made. Portugal is one. We had once a valuable trade with that country — it has been entirely sacrificed by the unwise restrictions of both countries. There are in our commerce with that nation no conflicting interests. I have no doubt that a treaty stipulating commercial reciprocity might be formed with that nation tomorrow, by which we should very soon enjoy a large and valuable trade with that country in the mutual exchange of our productions. There are countries, also, in the North of Europe with whom reciprocal arrangements might be made. But I have gone further into this question than I had intended to do.

The Committee merely propose the measure for the consideration of the House and of the nation — the laboring, the mechanic and the agricultural interests of the country — they have no expectation of changing the opinions of our masters, whose pecuniary interests are involved. We ask nothing, sir, from the majority of this House, but what we have a right to ask. The minority has its rights as well as the majority. They have a right to expect parliamentary courtesy from the majority — an opportunity to be heard — to have their measures fully and fairly debated



— an open and an honorable contest. This new course of arresting measures at their second reading — of stopping inquiry and stifling debate, is not only extraordinary, but alarming. Whenever such should become the practice of a majority of the House, he should consider it one of the most alarming symptoms of approaching dissolution. We do not, I repeat it, desire to go into this debate during this session. Let the measure go forth to the nation — let us debate it at the next session, and then let gentlemen do as they please with it.

Mr Mallary asked what was the real character of the bill proposed? It is a measure that is intended to give the power to the President to control the great interests of this country. No such power should be put into the hands of any one man living.

The gentleman tells us that the whole manufacturing interest is in the hands of an aristocracy, who oppress and grind to dust the democracy of the nation. This shows clearly and plainly that he knows nothing about either the aristocracy or democracy of the country. I say that the great agricultural interest north of Mason's and Dixon's line, and a solid proportion South of it, are in favor of the protecting policy — the Tariff. If the gentleman wants to find friends and advocates to that policy, let him go into every hamlet and house in Ohio, Pennsylvania, New York, New England, and he will find a vast majority in its favor. Talk of the aristocracy of the country!

the United States, who are the friends and advocates of the protecting system. Not British agents — Liverpool merchants. Talk of aristocracy! The farmers, the agriculturists, are the men who support the Tariff. They well know that the manufacturer gives a market for their productions, which no foreign nation allows. If our farmers did not know that their interests, their salvation did not almost depend on the manufacturing system, they would be willing to give it up. Sir, the gentleman openly avows that his object in bringing this bill forward is not for discussion or action this session, and perhaps not the next. What then is his intended object? Sir, I think I know. The object manifestly is, to have the measure hang over our protecting policy, in *terrorem*, like a portentous cloud. It is for the purpose of scattering doubts, and fears, and apprehensions, among our manufacturing interests, and to invite foreign nations to press down upon us with all their power, and overwhelm our system of national independence. Sir, I cannot, consent to see such a measure, brought forward under such auspices, held up to terrify and alarm our own country, and give hopes and expectations to another. The gentleman says he does not expect that the bill will make the smallest impression on England. Make no impression on England? I suppose the gentleman considered England a perfect model for our imitation; that free trade was her motto, and that she really meant what she had published to the world! that she was ready to throw her doors

wide open to the commerce of all nations. He tells us that the measure is intended to help the laboring classes of England — The democrats of England! He says they are crying for bread, and he wants to feed them. His feelings are all engaged for the democrats of England. Sir, I am for sustaining the democrats of the United States. These English democrats have but little affection for their brother democrats this side of the water. They are hostile to our prosperity. They tremble at the sight of a rising manufactory in the United States. They, like the gentleman from New York, would like to see the domestic industry of this country palsied, prostrated. The gentleman says the bill will have no operation on France. We all well know that. France minds her own business. She has adopted the protecting policy; and all the arts and efforts of England cannot divert her from her own independent course. But up the Baltic we can have free trade. Pennsylvania can send corn to Dantzic! That is flattering! We can have the trade of Portugal. That the gentleman seems to suppose would be everything to us. And for these fancied benefits we are to invest the President with the most extraordinary powers. The great interests of this country are to be regulated by the caprice or policy of any nation in the world, and the President compelled to execute it. I would not trust the power he proposes to any man. This is a subject that belongs to Congress; to the representatives of the people. Here let it be retained.

But, said Mr M. the gentleman declares that the bill proposes only reciprocity. Let England put her duties at thirty per cent and we will do the same. Thirty per cent on flour of Ohio, Pennsylvania. Why, sir, it would cost more to send a barrel of flour, worth *five dollars*, in the New York market, to Liverpool, than it would cost to bring one thousand — five thousand dollars worth of foreign manufactures into this country. The difference may be five hundred per cent against us. The farming interest of the United States will not be deluded by such a show of reciprocity.

The gentleman tells us about a *tremendous explosion*, if the friends of the tariff policy persist. Sir, this means, in plain English, rebellion. Are we to be driven from our path of duty — from the true interests of the country, by threats of a tremendous explosion? Is a minority on the floor of this House to tell a majority, you shall submit to our will, or the most dreadful consequences will follow? For one, I will not be driven from my course by such language. When a minority can, on any question, by threats and menace, overawe the majority, this country must be reduced to the most extraordinary condition.

It is worse than no government at all. How are we to decide on any great question, whether it relates to the established policy of the country, or to any new measure presented for deliberation and action? Is a majority to shrink back, give way, surrender, when a minority demands a right to rule? This is the essence of aristocracy. In plain truth,

sir, if Representatives cannot come here and exercise their own independent opinions, without being awed and menaced into submission by those who may happen to differ, the Government is not worth preserving, its republican character is gone. •

Mr Wayne then rose to make some remarks, when the Speaker interrupted him by stating that the Clerk had informed him that the bill had received its second reading, by its title, which fact the Chair had overlooked, and the question being now simply on the commitment, it precluded a discussion of the merits of the bill.

Mr Wayne bowed to the decision of the Chair; and after some under conversation between other members,

Mr Gorham, for the purpose of opening the bill to discussion, moved its indefinite postponement.

Mr Cambreleng regretted that he had not on this occasion the powerful aid of the gentleman from Massachusetts — he remembered nine years ago, when the House was electrified by that gentleman for near three hours; and he must say, that he heard on that day, what he thought then, and still thought, the most able, eloquent, and convincing argument he ever listened to, in favor of the broad principles of free trade. He hoped that the gentleman from Massachusetts would vary his motion so as to postpone the question till the first Monday in January next; when he was not without hope, that the gentleman from Massachusetts might change his opinions, again become an advocate of free trade; at all events

give the friends of this measure a fair opportunity to defend its merits.

Mr Gorham said, the gentleman from New York must think him very sincere, if, after the extravagant but altogether unmerited compliments of the gentleman, he still persisted in his opposition to this bill, as a measure of the most extraordinary character ever proposed in this House. Sir, said Mr G. this bill contains provisions which, in their operation, will derange our whole revenue system, and change all our commercial relations at home and abroad, introducing at the same time an endless series of frauds and perjuries. It transfers, too, to the President, almost the whole control over the commerce and revenue of the country. If practicable, which I doubt, it will introduce a principle into commercial policy, mischievous in the highest degree.

In the first place, it reduces at once all duties to 30 per cent *ad valorem*, and to the extent of that reduction is a repeal of the Tariff laws; not indeed, as it may suit the interest and convenience of our own Government, or our own citizens, but when the will or interest of any foreign nation may require it. The mere reduction of duties I do not regard as the worst aspects of this part of the bill. It is that foreign nations are to judge for us, and not we for ourselves; that all *specific* duties are, with regard to some nations, to be charged in *ad valorem* duties, and reduced, while, with regard to others, they are to remain *specific*, and at their old rate; and

that the duties on articles of the same kind from different countries, are not only of different rates, but differently estimated. . And then, too, what numberless frauds will be practised in fixing this 30 per cent ad valorem, by appraisements without end, not only in our own ports, but in those of the nations which may come into this strange and novel scheme of reciprocity ?

Mr Speaker, time does not permit me now to say anything upon the extraordinary principle of transferring to the Executive Department, as this bill would substantially do, almost the whole control over our foreign and domestic commercial relations. Nor can I now enumerate one half the mischiefs of a different character, which would result from the adoption of this most pernicious project. A single instance will serve to illustrate its effects in a hundred other cases ; and I will ask the attention of the House to only one branch of commerce — the sugar trade. The sugar of Louisiana is now protected by a duty of three cents per pound upon the imported article, which is more than a duty of 50 per cent ad valorem. The prosperity of that State depends in a great measure upon sugar planting. Now, we bring sugar from Cuba and others of the West India islands, from South America, particularly from Brazil, and from the East Indies, places wholly independent of each other. Should this bill pass into a law, some one of these countries, Brazil probably, (and I believe Brazil alone,) would accept our offer of reciprocating du-

ties ; and what would be the consequence ? the sugar of Brazil, which costs but four or five cents per pound, would come here charged only with a duty of 30 per cent ad valorem, equal to a duty varying from a cent to a cent and a half less than half the present duty. There can be no doubt, then, that in a very short time the importer of that article would drive the Louisiana planter from his own market. The ruinous effects to that State are obvious ; her prosperity is destroyed at a blow. Nor is this all : Brazil will probably agree to this scheme ; but Cuba and Port Rico, being dependencies of Spain, could not. The places in the East Indies from which we bring sugar, from the peculiarity of their political condition, could not or would not, adopt it. And thus, the high duty of three cents on sugar, from those places, is virtually a prohibition of trading with them ; and our trade at present with Cuba, as every one knows, and particularly in sugar, is one of the most flourishing and important branches of our commerce. Frauds, too, of a different character from those I have mentioned would be resorted to ; England and France would not, indeed, cannot reciprocate this rule. But they would be very desirous that we should adopt it with other nations ; because, they could, through those nations, derive every advantage from it, without yielding us any equivalent in return. There is little doubt, that Hamburg, Bremen, and all the Hanseatic towns, Sweden and Denmark, and perhaps Holland — some, if not all these, would

agree with us. The course of things would then be, that British and French goods would be shipped to those places, and either there, or at home, so marked and packed, that they might be imported into the United States as Dutch, Swedish, or Danish goods, at the reduced duty. And thus, France and England, holding firmly to their restrictive system towards us, would enjoy through other nations, all the advantages of a total relaxation of our system towards them.

The measure, if adopted, is a radical change in our revenue system, and all our commercial relations, and cannot but be followed by the most pernicious consequences. The bill is strangely entitled, a 'bill to amend the navigation laws of the United States,' yet makes no reference to any one of those laws, and contains not one word about either ships, vessels, or navigation. It should be entitled 'a bill to encourage frauds and perjuries, disturb the revenue, and embarrass and restrict the commerce of the United States.' Mr G. concluded by saying, that he had been surprised into this debate; and he threw out those few remarks, the suggestions of the moment, to show the impolicy and ruinous tendency of the measure.

Mr Wayne said he had two things to complain of, one of them in common with the gentleman from Massachusetts—first, he had been surprised into the debate, and then he had been surprised out of it.

[Here the hour expired, and the debate was arrested for the day.]

The debate thus commenced was continued daily during the hour allotted to the consideration of resolutions and reports, until the 4th of May, when Mr Cambreleng moved to postpone the further consideration of the bill till the first Monday in January next.

This motion precludes debate on the merits of the bill.

Mr Bates, who had desired to enter into the discussion, requested that the motion would be withdrawn, but the request was not complied with. Mr Reed gave some reasons why the further consideration should not be postponed.

Mr Storrs, of New York, said, that with a view to place the bill where it should not be heard of again, he moved to lay it on the table.

On the call of Mr Cambreleng, the yeas and nays were ordered on the question.

The question was then put and decided in the affirmative, yeas 130, nays 38.

So the bill was laid on the table.

In addition to the discussions, growing out of these proposed bills, extraordinary efforts were made to render the tariff policy unpopular by highly colored statements of its injurious effects upon the prosperity of the country.

The navigation of the United States was asserted to be in a depressed and declining condition; while that of Great Britain was declared to be highly flourishing, and to be supplanting our vessels in various branches of trade for-

merly monopolized by them—results which were attributed solely to the ruinous effects of the tariff. These fables were gravely published to the world in a report of the Committee of Commerce to the House, and being circulated with unremitting industry, gave a momentary alarm to the public mind, and great cause of exultation to the Edinburgh and Quarterly reviewers. Unfortunately, however, for the predictions and inferences of these theorists, commerce was prosecuted with redoubled activity. The returns of the tonnage engaged in foreign trade showed an increase in 1828 of 65,449 tons; while the increase of the tonnage employed in the coasting trade in 1828 was 55,335 tons. This increase, which was not, however, to be attributed to the tariff, entirely disproved the predictions of the alarmists; and the fresh impulse given to trade, which had been gradually accommodating itself to the changes in commerce occasioned by the general peace in Europe, dissipated the apprehensions of the mercantile class and reconciled them to the modification of the revenue system.

While commerce evinced such striking evidence of its advancing prosperity, the agricultural and manufacturing interests gave equally strong proofs of their being favored in even a higher degree. In the distant West the wilderness was rapidly retiring and giving place to the farms of

the frontier settlers; while in the older sections of the country, greater attention was paid to cultivating the soil; new processes of agriculture and more convenient farming implements were introduced; the breeds of domestic animals were improved, and every indication afforded of the substantial and healthful prosperity of a class so indispensable to the existence of the community. Still greater activity was evinced by the manufacturing interest. The water power, both on the small and greater rivers began to be in demand; and while large towns, like Lowell on the Merrimac, were suddenly created by the wealth of capitalists diverted into the manufacturing business, single factories of a size proportioned to the power of the fall on the smaller streams, gave employment to the neighborhood, and furnished a domestic market to the farmers in different portions of the country.

The increasing wealth of the community was also exhibited in public improvements of a permanent character, to facilitate internal communication and the transportation of produce to market. Canals and rail roads were commenced to connect the most prominent points and places, and more was effected in this species of internal improvement in the United States within the last five years, than all that had been previously done since their existence as an independent nation.

## CHAPTER VI

*Treasury Report for 1829. — Appropriations for 1830. — Support of Government. — Discussion on Bill. — Naval Service. — Marine Corps. — Fortifications. — Engineer Department. — Military Service. — Indian Department. — Massachusetts Claim.*

THE annual report of the new Secretary of the Treasury (Mr Ingham), on the state of the public finances was transmitted to Congress on the 15th of December, 1829.

This report showed a balance in the Treasury, on the 1st of January, 1829, of \$5,972,435.

The actual receipts into the Treasury during the first three quarters of the year 1829 were estimated at \$19,437,231, viz :

Customs, . . . . .	\$17,770,745
Lands, . . . . .	972,059
Bank Dividends, . . . .	490,000
Miscellaneous, . . . . .	204,427
Estimated receipts during the fourth quarter, . . .	5,165,000
<b>Total receipts, . . . .</b>	<b>\$24,602,231</b>

The expenditures during the three first quarters of the year 1829, were estimated at \$18,919,114, viz :

Civil, Diplomatic and Miscellaneous, . . . . .	\$2,482,416
Military service, including pensions, fortifications, Indian affairs and internal improvement, &c., . . . .	5,155,256
Naval service, buildings, &c., . . . .	2,565,979
Public debt, . . . . .	8,715,463
Estimated expenditures during the fourth quarter, . .	7,245,481
<b>Total expenditure for 1829, \$26,164,595</b>	

Leaving an estimated balance in the Treasury on the 1st of January, 1830 of \$4,410,072.

It thus appeared that during the first year of an administration, which was elected upon professed principles of retrenchment and reform, the expenditures exceeded the receipts \$1,562,364, while they exceed the expenditures of 1828 by the sum of \$675,281, and the expenditures of the preceding year by the sum of \$3,507,831.

The receipts for the year 1830 were estimated at \$23,840,000, viz :

Customs, . . . . .	\$22,000,000
Lands, . . . . .	1,200,000
Bank dividends, . . . .	490,000
Incidental receipts, . . .	150,000

The expenditures at \$23,755,527, viz :

Civil, diplomatic and miscellaneous, . . . . .	\$2,473,226
Military service, &c., . . .	5,525,190
Naval service, . . . . .	4,257,111
Public debt, . . . . .	11,500,000

Leaving an estimated excess of the receipts over the expenditures of \$84,473.

The gross amount of duties accruing during the first three quarters of 1829 was estimated at

\$21,821,500, and the debentures for drawbacks during the same period amounted to \$3,059,060.

The amount of debentures outstanding on the 30th of September, 1829, chargeable on the revenue of 1830, was \$1,111,136.

The total amount of the public debt on the 1st of January, 1829, was \$58,406,418.

Consisting of six per cents,	\$16,279,822
Five per cents, including	
\$7,000,000 subscribed to	
Stock of United States	
Bank,	12,792,000
Four and a half per cents,	15,994,064
Three per cents,	13,296,250
Unfunded debt,	44,282

The payments made on account of the public debt during 1829 were, on account of interest, \$2,563,994; towards the reduction of the principal, \$9,841,012, leaving the total debt on the first of January, 1830, at \$48,565,406.

The Secretary, besides furnishing the above statements concerning the public finances, went into an examination of the anticipated demands upon the Treasury, and came to the conclusion, that the duties on various articles might be reduced without any detriment to the public service. Certain regulations were also recommended to prevent frauds on the revenue, and the erection of public warehouses for the purpose of storing goods entered for drawback or on which the duties should not be paid. A change, too, in the credits on bonds for duties was proposed, so as to permit the purchasers to bond the goods instead of the importer, and to make the term of six, nine and

twelve months the average terms of the credits on all importations. Nothing was definitely said as to the propriety of the tariff policy, from which the sentiments of the administration could be gathered. The Secretary's report and the necessary estimates having been furnished to the House, it devolved upon Congress to make the necessary appropriations for the public service.

As the party which had been so clamorous for economy and retrenchment was now in power, but little opposition was to be expected to those appropriations, which were deemed necessary for the ordinary service of the Government; although those items during several years past had furnished the most fruitful topics of debate. It was to be presumed that a reforming party would confine the public expenditure within the proper limits; and so long as no extraordinary drafts were made on the Treasury, there was no necessity for the interference of those who were not ranked among the supporters of the administration.

The bills providing for the respective branches of the public service having been reported, on the 17th of January, 1830, that making provision for the revolutionary and other pensioners was taken up, and having passed both Houses without opposition, became a law. By this act \$1,157,961 were appropriated for pensions for 1830, and \$101,700 for the arrearages of 1829.

The bill making appropriations for the support of the Government for 1830 was taken up in the



House on the 9th of February. When the bill was before the Committee of the Whole, Mr McDuffie moved to fill up the blank of the section of the bill containing the appropriation for the contingent expenses of both Houses of Congress with the sum of 135,000 dollars.

Mr Wickliffe moved to amend the bill by adding thereto the following paragraphs :

To defray the expenses of printing for the two Houses of Congress, performed by the public Printer of each House, agreeably to his contracts.

Stationary, book binding, fuel, newspapers, post office, carpenters' work, furniture, repairs to the Senate Chamber and Hall of Congress and Rooms.

Messengers and horses, blank books and ruling paper and books.

Expenses of the Police of the Capitol.

Expenses of witnesses, including officers' fees, for summoning, &c.

Expenses of engraving maps and surveys, ordered by either House.

Mourning and funeral expenses.

Hack hire, when employed in the public service.

Extra clerk hire.

Mr Wickliffe said his object in proposing this amendment was, to confine the contingent fund to the legitimate expenses of both Houses of Congress, and for that purpose he procured from the Clerk of the House an enumeration of the different items of expenditure for the last session of Congress, which are all embraced in the amendment.

Mr Coulter opposed the amend-

ment. He said it would be ineffectual to accomplish the object it professed to have in view, inasmuch as from the very nature of contingent expenses, it would be impossible to enumerate all the articles which the circumstances of Congress may render necessary hereafter. He also said, that it implied a reproach on the character and integrity of the two Houses of Congress, since it deprived them of the discretionary power vested in the other departments of the Government to manage their own funds as their exigences may require.

Mr Polk supported the amendment.

Mr McDuffie said he would have no objection to the amendment of Mr Wickliffe if he was certain it embraced all the articles of the contingent expenses of both Houses of Congress. He suggested to Mr Wickliffe to amend his proposition by reserving the sum of five thousand dollars to meet expenses which may possibly be omitted in the enumeration he has made. He inquired from what source the specifications in his amendment were procured.

Mr Everett and Mr Ingersoll severally opposed the amendment and expressed their regret that the appropriation bills should be thus encumbered. Mr Ingersoll said that it would be a better mode to introduce a specific bill embracing the objects of Mr Wickliffe's amendment, especially as it would be impossible to anticipate the contingent expenditures of both Houses of Congress. He asked in what department of Government this discretionary

er which the amendment proposed to take away, could be deposited, if not with the representatives of the people?

Mr Barringer opposed the amendment, and condemned the practice of thus attempting to remedy special evils by general legislation.

Mr Ellsworth and Mr Huntington were also opposed to the amendment.

Mr Daniel supported it at considerable length.

Mr Wilde opposed the amendment, and said that the object of it would be much better accomplished by the introduction of a distinct bill to limit the expenditures as proposed.

Mr Polk suggested to Mr Wickliffe a modification of his amendment so as to meet the views of Mr Barringer, who expressed his disapprobation of general acts of legislation for particular cases. He said he would make such a motion if Mr Wickliffe would not accept it as a modification of his amendment.

Mr Wickliffe replied that it was not in his power to comply with the request of Mr Polk, as the amendment he offered was not at his own instance, but proceeded from the Committee on Retrenchment.

Mr Polk then moved to amend the amendment by adding to it the following words:

'To the payment of the ordinary expenses of the contingent fund of the Senate and House of Representatives: *Provided*, That no part of this appropriation shall be applied to pay for any printing not connected with the proceed-

ings of either House of Congress, and executed by the public printer, unless the same be authorized by a joint resolution, or a law providing for the same.'

The amendment was agreed to — yeas 55.

After a few observations from Mr Taylor the amendment as amended, was also agreed to — yeas 65, nays 61.

Mr Semmes moved to amend the bill by adding the following proviso:

'*Provided*, That nothing herein contained shall be construed to prevent any expenditure already authorized by either House of Congress.'

The question on this amendment was negatived — yeas 49, nays 53.

Mr Everett proposed to amend that part of the bill relative to the library, by adding to it the following words:

'For the library of Congress 5,000 dollars.'

This amendment was agreed to — yeas 56, nays 49.

After some further amendments in Committee on the 10th of February, the bill was reported to the House on the 11th, when the question being on agreeing to the amendments of Messrs Wickliffe and Polk, in relation to the printing, a division was demanded and the vote was 91 yeas, 68 nays.

The question recurring on the bill, Mr Wickliffe asked why the appropriation for the diplomatic service was greater than that for the last year?

Mr McDuffie replied that, until the last year there had been

an accumulation of unexpended balances, which being expended a larger sum was required for this year.

Some further conversation occurred, in which Mr Ingersoll took a part, when Mr Verplanck rose and disclaiming any intention to make party allusions, stated that Mr Adams provided liberally for the foreign intercourse during the first year of his own term, having when Secretary of State, drawn the bills, or suggested the appropriations; there being, when he came in, a large unappropriated balance. Notwithstanding this, and the fact that his own political friends filled the diplomatic department, he asked for two hundred and thirteen thousand dollars for this fund during his first year. The year after, corresponding to the present year of the present administration, he asked for one hundred and eighty-nine thousand five hundred dollars; then came a call for forty thousand dollars for the Panama Mission. Making a total of four hundred and forty-two thousand five hundred dollars, deemed proper and convenient to be used, and passed by the House, during the two first years of that administration. At the close of that administration there was on hand a surplus fund to a considerable amount. The Secretary of State, with a laudable desire to do up his business, asked for no addition to the surplus fund. Under these circumstances only one hundred and thirty-seven thousand dollars was given for contingencies.

Certain reasons induced the present Executive to make some

recalls; and under these circumstances it was hardly wonderful that some additional appropriation was necessary. The administration now asked two hundred and ten thousand dollars. The amount (he presumed) which would be called for during the two first years of this administration for foreign intercourse would be three hundred and forty-seven thousand dollars. Making a difference of nearly one hundred thousand dollars in favor of the present administration. The administration meant to go back to the good old act of 1810—an act drawn with more than usual precision—which left nothing to come from the contingent fund. There would be no more constructive embassies—no more forty thousand dollars appropriated for hunting up Congresses which were not to be found; unless, indeed, they were in the moon, or in that other place described by the poet as the 'receptacle of things lost upon earth.'

Under these circumstances, he presumed the Government would get along the two years for one hundred thousand dollars less than the last administration.

Mr Ingersoll replied that, since Mr Verplanck got up to put me right, he has put *himself* doubly wrong. I understood him to say that, during the two first years of Mr Adams' term two hundred and thirteen thousand dollars were appropriated for the foreign intercourse. If he will take the trouble to look into the statute books he will see that the sum was but one hundred and forty-seven thousand five hundred dol-

lars. He was also incorrect in stating the sum called for during the last year of Mr Monroe's administration. He says it was two hundred thousand dollars. The book shows that it was but one hundred and seventy-six thousand; and that amount was not expended, but was faithfully accounted for by the honorable gentleman then at the head of the State Department.

The gentleman from New York threw out another insinuation, when alluding to the extravagance of the administration when the late President was Secretary of State. Is he aware where that leads him? The appropriations then were liberal. The last year that Mr Adams was Secretary of State, the year 1824, the appropriation was one hundred and forty-nine thousand dollars — liberal, but not more liberal than the present year. In the year 1823 there was but seventy-four thousand dollars called for — not one half as much as is asked for this year. In the year 1822, but eighty-three thousand dollars was asked for this fund. The increase was gradual — the public history explained the cause of the increase; if the gentleman from New York would examine, he would find that the expenses were not more than was reasonable, and not beyond those of the present time. The salaries are all fixed by law, and the sum to be called for is accordingly ascertained. In my previous remarks I made no intimation that there was anything more than necessity called for at present. I would suggest to the gentleman, however, if, in refer-

ring to abuses which have heretofore existed, it is worth our while to run into those which we have condemned? Are we, in the first year of reform, to do the very thing we have once censured? It appears that outfits have been taken this year from the contingent fund. I do not complain because they do this, but because they do now what, during the last administration, they condemned.

Mr Buchanan said, he did not expect the House would get into a party debate upon an appropriation bill. He did not think either of the gentlemen who had spoken had taken a correct view of the subject. It must be admitted, in the regulation of foreign intercourse, that a small saving may be an immense loss. It is the duty of the Executive to have the foreign intercourse so conducted that the interests of the country shall suffer no loss. It could not be possible that the wisdom or folly of any administration was to be tested by the expenditure under one or another head of appropriations. Statesmen looked at the objects, and considered what the country required. I was one that condemned the last administration, not on account of the money expended, but because, in my judgment, they expended it in violation of the law of 1810. That system had grown up under one President, followed by the others, until outfits were charged for appointments made abroad. There had been appointments made of Ministers about to return, converting their Secretaries into *Chargés*, and allowing them four

thousand five hundred dollars for outfits; and in one case this had been done only to return. But this was a question for the people to settle. The Executive was competent to make recalls, and who would condemn him for using his discretion. It must be an extreme case, indeed, for the House to withhold appropriations enabling the Executive to use a discretion which he was at liberty to use. The people would decide whether his movements were judicious.

Mr Everett said that he agreed with the gentleman from Pennsylvania, who had just taken his seat, as to the cause of the increase in the appropriation. That gentleman had stated it to be the recall of several of the foreign ministers and the outfits of their successors; and it was evident, from the comparison of the bill of this year with the appropriation law of the last, that such was the fact. He also agreed with the gentleman from Pennsylvania, that the recall and appointment of Ministers was a matter of Executive discretion; and that it was only in an extreme case that the House would be justified in interposing to withhold an appropriation for the outfit of a Minister thus appointed. Mr Everett begged to recall to the recollection of the House the manner in which this debate arose. The gentleman from Kentucky (Mr Wickliffe), had put the question to the Chairman of the Committee of Ways and Means, why the appropriation for the diplomatic service of this year amounted to one hundred and eighty thousand dollars, while the last year it was

but one hundred and thirtyseven thousand? To his inquiry the Chairman of the Committee of Ways and Means had replied that, there had been, previous to the last year, an accumulation of unexpended balances of former appropriations, which had rendered it necessary to appropriate less for that year; but that these surpluses being all expended, a larger sum was required for this year. With great deference to the source from which this statement proceeded, Mr Everett could not agree to its correctness. He did not find, in looking at the estimates from the Department of State for 1829, that there was any such surplus under this head of appropriation.

Mr McDuffie said it was far from his intention to say anything which any human being could construe into a party allusion. He did, in reply to the question of the gentleman from Kentucky, state the reason that the balance of the fund was all expended.

Mr Everett said that, the gentleman's explanation was in accordance with his own view of the case, and he was about, himself, immediately to state that, the surplus alluded to was in a different fund, for which no appropriation at all was made in 1829; and that consequently the increase of forty thousand dollars in the diplomatic service of the present year over the last, was not owing to any such surplus being added to the appropriation of 1829. It was an increase of expenditure, owing, as the gentleman from Pennsylvania stated, to the recall of the foreign Ministers and

the appointment of their successors. Supposing this matter to be now understood all round the House, he should say no more about it.

He must, however, dwell a moment on another point connected with this appropriation, in which, after what had been said, he need not disclaim being a volunteer. These outfits, to the amount of over forty thousand dollars, have been paid, without any specific appropriation. On the contrary, a gentleman from Georgia (Mr Wilde), the last winter, proposed, in Committee of the Whole, to make an appropriation for the outfits of Ministers who might be appointed; and the Committee declined making such an appropriation. They passed the bill as they found it, with specific appropriations for certain designated salaries and outfits, with an estimated addition for contingencies of twenty thousand dollars. This looked rather — when considered in connexion with the refusal of the Committee just alluded to — like excluding all outfits not provided for in the bill. And yet, notwithstanding this, forty thousand dollars, in outfits, for which no appropriation had been made, have been paid during the past summer.

Mr Everett did not mention this as criminating the present administration, but as vindicating the past. It had been asserted and reiterated here and elsewhere, that the late administration had improperly paid outfits out of the contingent fund; and transferred to one object what

was specifically appropriated to another. Now here we have forty thousand dollars expended in outfits, without any specific appropriation; although two outfits, he believed, were specified in the act of last year. From what fund the money was taken he could hardly tell. That part of the estimates was not very clear. There is no such thing as a 'diplomatic fund' known to the appropriation law. The sum now asked for appears to be asked as a repayment of so much taken from other items. Of this he was not disposed to complain; but he hoped gentlemen would now feel how unjustly the late administration had been criminated for a course so soon adopted by the present, and which must of necessity be adopted by any administration.

Mr McDuffie replied that, whatever other people had said, he had made no such charge against the late administration, nor had he said such appropriations were wrong. Whoever made such objection could not understand the subject.

Mr Everett replied that, he did not maintain that the gentleman from South Carolina, individually, had held this doctrine. But it had been distinctly laid down, in the reports of two Committees of the House, at the last Congress, the Committee on the Expenditures of the Department of State and the Retrenchment Committee. The latter Committee had recommended the abolition of the fund for the contingent expenses of the Foreign Missions on the ground that it enabled the Ex-

ecutive, at his discretion, to augment the allowance to Foreign Ministers.

Mr Cambreleng thought the gentleman from Massachusetts must have confounded the Secret Service Fund with the Fund for Foreign Intercourse. That was the only fund which the Committee on Retrenchment proposed to abolish.

Mr Everett said, I am not mistaken. The Committee of Retrenchment proposed to abolish the fund appropriated for 'the contingent expenses of all the missions abroad,' as the gentleman from New York would find by turning to their report.

Mr Norton said, during his legislative life he had always voted for the largest sum reported by the Committee. He was not one who expected to build himself up by talking of retrenchment. He did not feel as if he was called upon to inquire whether the sum received was large or small; he trusted to the able gentleman who was at the head of the Committee of Ways and Means, and he should vote for it as it stood.

The bill was then passed and sent to the Senate for concurrence.

In the Senate the bill was taken up on the 4th of March and an amendment reported by the Committee of Finance to strike out the amendments proposed in the House by Messrs Wickliffe and Polk, in relation to the printing of Congress, became the topic of discussion. The debate was interrupted by other business and postponed to the next day, when the bill was again taken up.

A division was called for by Mr Barnard, and the question was taken on the first member of the sentence, viz: to strike out the words *Provided*, That no part of the appropriation shall be applied to any printing other than of such documents or papers as are connected with the ordinary proceedings of either of the said Houses, during the session, and determined in negative — yeas 22, nays 23.

On the question to strike out the residue of the sentence, viz: and executed by the public printers agreeably to their contracts, unless authorized by an act or a joint resolution; it was determined in the negative — yeas 22, nays 23.

A motion was made to strike out the outfits of the new ministers appointed since the 4th of March, 1829, and negatived — yeas 3, nays 39.

Certain unimportant amendments were then made in the bill, which was passed and sent to the House, where the amendments were concurred in and the bill became a law.

By this act the following appropriations were made, viz:

For the expenses of the Executive Department, including salaries of Vice President, all the Departments at Washington and of the territorial governments, . . .	\$640,184
Of Diplomatic intercourse, . . .	248,500
Of Congress, . . .	670,050
Of the Judicial Department, . . .	243,023
For light-houses, beacons, &c. . .	231,103
For pensions, . . .	1,750
For miscellaneous expenses, . . .	67,700
For taking the census of 1830, in addition to \$350,000 formerly appropriated, . . .	250,000

The bill making appropriations for the naval service for 1830 was taken up on the 23d of February, and having passed the House was sent to the Senate, where it also passed without amendment and became a law.

This act appropriated for pay, subsistence and provisions,	\$1,778,666
Repairs of vessels,	590,000
Medicines and hospital stores,	30,500
Ordnance and ordnance stores,	30,000
Repairs and improvement of navy yards,	180,500
Gradual increase of navy,	152,380
Enumerated contingencies for 1830,	250,000
Non enumerated contingencies,	5,000
Expenses of marine corps for 1830,	182,465
Arrearages of marine corps for 1829,	11,973

Besides the appropriation for arrearages in 1829, for the marine corps, a law was also passed for the arrearages in the naval service for that year, appropriating

For pay and subsistence,	\$136,923
For repairs of vessels,	82,841
For contingent expenses,	30,392
For medicines, &c,	2,598
For marine corps,	16,757

An act was also passed for repairing and fitting out the Frigate Brandywine, appropriating \$92,369 for that purpose.

An additional sum was also appropriated for the Marine Corps the last day of the session, in consequence of a determination of the new fourth Auditor (Amos Kendall) to introduce a reform in his Department. In his zeal to do this he refused to make certain extra allowances to the officers of the Marine Corps, which had been habitually made, on the

ground that they were not authorized by any law.

When this reform was brought to the knowledge of Congress, a joint resolution was passed directing those unauthorized allowances to be made as formerly; and on the last day of the session, upon discovering that these allowances had not been included in the estimates presented to Congress by the Department, a law was brought in and hurried through both Houses, appropriating in general terms a sum sufficient to pay those extra allowances. The sole effect of this reform was to cause great distress to the officers of that corps, who were curtailed of their pay for nearly a year, and finally loose and hasty legislation to remedy the evil.

The sum formerly appropriated for the suppression of the slave trade was reappropriated at the last day of the session as an expenditure falling under the supervision of the Navy Department.

No change had been recommended in the policy adopted by the Government, to gradually place the coast in a state of defence by fortifying the principal points and seaports, and the bill appropriating the necessary sums for that purpose encountered no serious opposition.

By that bill the following sums were appropriated for the completion of fortifications, viz :

For Fort Adams,	\$100,000
" " Hamilton,	86,000
" " Monroe,	100,000
" " Calhoun,	100,000
" " Macon,	60,000



Fort at Oak Island, . . . .	\$60,000
Fortifications in Charleston, .	25,000
“ at Mobile point, . . . .	90,000
“ Jackson, . . . .	85,000
“ Pensacola, . . . .	130,000
Contingencies and purchase of a site for a fort, . . . .	15,000

The bill making appropriations for the Engineer, Ordnance and Quarter-master's Department was taken up in the House, March 30th and continued under examination the next day and also April first and fifth. An appropriation of \$150,000 for arming the new fortifications was stricken out by the House — yeas 120, nays 43. A motion made by Mr Crocket to strike out an appropriation of 2,500 dollars for erecting a military laboratory at West Point was negatived: as was also a motion to strike out an appropriation for a military road in Arkansas, and one for the purchase of five and a half acres of land in Springfield for the use of the national armory.

The bill was amended in the Senate and the House concurred in two of the amendments. From the other amendment it dissented and the Senate receding from it, the bill passed and became a law.

By this act appropriations were made

For barracks, . . . .	\$69,064
“ store-houses, . . . .	3,500
“ armories and arsenals, . .	47,700
“ roads, . . . .	49,452
“ miscellaneous, . . . .	44,421

The military appropriation bill for 1830 was taken up on the 22d of February, and was sanctioned by both Houses without opposition. It made the following appropriations:

For pay of the army and subsistence of officers, . . .	\$1,063,909
Forage and subsistence, . .	341,719
Clothing, . . . .	156,774
Medical and Hospital Department, . . . .	28,000
Quarter-master's Department	407,000
Military Academy, . . . .	24,163
Contingencies, . . . .	10,000
National armories, . . . .	360,000
Armament of fortifications, .	100,000
Current expenses of ordnance service, . . . .	56,000
Arsenals, . . . .	90,200
Recruiting service, . . . .	8,377
For arrearages prior to 1817, .	6,000
“ “ of 1828, . . . .	270

The appropriations for the Indian service, an expenditure under the supervision of the War Department, for 1830 were,

For the expenses of the Indian Department, . . . .	\$87,975
For presents to the Indians . .	15,000
Expenses of distributing Indian annuities and of holding conferences with them, . . . .	21,849
Of blacksmith shops, . . . .	23,766
To carry into effect subsisting treaties, . . . .	143,799
Expenses in holding Indian treaties, . . . .	14,022

When the bill appropriating these last items came under consideration, Mr Vance moved an amendment to the clause giving pay to Colonel M'Neill, so as to preclude him from receiving pay both as an officer of the army and as a commissioner to hold a treaty with the Indians.

Mr Miller asked if the officer alluded to had received his pay as an officer and was about to receive the pay as a commissioner.

Mr Vance said he did not know the fact, but he knew what had been the practice. The officer now at the head of this government received his full pay as an officer, and also as a commissioner for holding treaties.

Mr Cambreleng asked if there were not some incidental expenses.

Mr Vance said, that could not affect the item under consideration.

Mr Wickliffe said he should vote for the amendment.

Mr McDuffie suggested that General M'Neill should have his option, either to take his pay as an officer or his pay as a commissioner.

Mr Vance then modified his amendment so as to make its phraseology correspond with the wishes of Mr McDuffie.

The amendment was agreed to. The bill was then reported to the House, when

Mr Miller objected to the amendment as to the pay of General M'Neill.

Mr Buchanan also took exception to this amendment, on the ground that however just the principle that the Government had an undoubted right to the whole services of their officers, it was not correct to apply the principle in a case where the officer must have accepted the duty under the implied understanding that the old practice was to be continued. He suggested that the Committee on Retrenchment should report a bill to prevent these double allowances.

Mr Wickliffe stated that the Committee had reported such a bill.

Mr Burges spoke in favor of the amendment, and asked gentlemen from what law or practice officers received extra pay for civil services. If there was none such, then there could be no im-

plied understanding that in the present case such would be the result. He stated the practice to have been that an officer who was employed in the civil service, should not receive pay as an officer at the time that he was receiving pay for those civil services. There was a rule in existence under the old Congress which prevents such double pay; and no gentleman had produced any law showing a contrary practice. We are, however, promised a millennium of retrenchment; and so we had been promised from year to year. He hoped such would be the case, and that abuse after abuse should not be permitted until we became bankrupt by precedent. He would have given this officer his double pay if such was the contract made with him, but not under the idea that there existed any implied understanding in consequence of any existing law tolerating such construction.

Mr Polk made some observations in reply, in which he expressed himself content with the amendment.

Mr Vance disclaimed any idea of introducing party feelings, as was intimated by the last gentleman. He thought that although he did not belong to the Committee on Retrenchment, he had supposed he might offer something like a bit of retrenchment. He stated that he had always been an enemy to those double allowances; and had determined to take the first opportunity of resisting them. In this case the officer was perhaps less entitled to this double pay than any, be-

cause he commanded a post in the immediate neighborhood of these Indians, and as a commander of the post he had double rations and extra allowances. He did not wish to introduce party considerations. He had indeed referred to a distinguished individual who had received double pay; and if the gentleman wished to draw back money from those who had received double allowances it will operate as severely at head-quarters as any where. He asked for the yeas and nays on this question.

Mr Drayton defended the practice of employing officers as commissioners to hold Indian treaties, and moved to amend the amendment of the gentleman from Ohio, by striking out all after the word 'that,' and inserting words which made the provision general and prospective.

Mr Vance said he had been asked by a gentleman from Pennsylvania if this had been the practice of Government, and he had risen and said this was the practice, and had referred to the only case within his knowledge. He wished to be understood as having had good reason for his reference; and if he had misunderstood the exact terms of the interrogatories put to him he had merely made a mistake, and he was willing to have it attributed to him whether he had made his remark gratuitously or not.

Mr Grennell replied briefly to the remarks of the gentleman from South Carolina, as to the peculiar propriety of employing officers as negotiators, and to the idea thrown out that General

M'Neill had entered on the duties of commissioner under the implied understanding that he was entitled to double pay.

Mr Barnwell made some remarks in favor of the double allowance to General M'Neill. He contended that where, by an erroneous construction, officers had received more than the sums to which they were entitled, it was unjust, to compel him who had rendered the service, to refund. The fault is in those who have put the false construction on the law, and who alone should be responsible.

Mr Davis, of Massachusetts, rose and observed that, he should not detain the House but a moment, as it appeared to be anxious to take the question. But he would join the gentleman from South Carolina (Mr Barnwell), in calling attention back to the real ground of discussion. The bill provided for the reimbursement of money paid by the Executive, where no appropriation had been made for the services of an officer of the army holding by brevet the rank of a Brigadier General, who had served as a commissioner in making a treaty with the Winnebagoes and others. This officer, at the time of his appointment, was in the military service, and drawing his pay; and the question is, whether he shall, in addition to his pay as an officer, receive also the pay of a commissioner.

The appointment, he said, was not a military command, which the officer was obliged to obey, but a civil commission which he had his option to accept or de-

cline, as he might think expedient. It was an appointment to another service of a totally different character, and to be rewarded in a different manner. He accepted that appointment and performed the service, and it had been said that the Government became thereby bound to allow him his pay as a military officer, and also the same amount in addition as the other commissioners had who served in but one capacity. This, sir, would be paying for service by construction — because nothing is more plain than that he would not render service to the Government in both offices.

When he accepted the appointment as commissioner and entered upon the duties, he ceased to perform all duties as a military officer and thereby ceased to have any right to pay unless we mean to adopt the doctrine that a person shall have pay for services which he does not and cannot perform. He could not, he said, bring his mind to the belief that the Government was under any legal or equitable obligation to make such an allowance, as the service as commissioner was the voluntary choice of the officer, and assumed by him with a full knowledge that his military service must cease, and therefore his pay ought to stop.

It has been said that precedents exist. On this point he observed he was uninformed; but if such precedents existed it was now acknowledged on all hands to be an abuse, and there seems to be no reason why the injurious practice should be further countenanced. This officer, by his

own election, placed himself on the same ground as other commissioners, and it would seem hardly just to them to pay him twice as much as they receive for their services. He therefore hoped the amendment of the gentleman from Ohio (Mr Vance) would so far prevail as to limit the principle to those bounds.

Mr Clay suggested to the gentleman from South Carolina to withdraw his amendment until the other amendment should be disposed of.

Mr Drayton withdrew his amendment.

Mr Buchanan then stated the case of General M'Neill and advocated the propriety of his appointment, and of the remuneration now made to him by the bill. The money had been received, as appeared on the face of the bill, and it would be unjust to compel him to refund it.

Mr Coulter admitted that the President might employ a general of the army to negotiate, and it often occurs that, in consequence of this military character, he is a negotiator. A Governor of a State is often employed, but a Governor is not an officer of the United States. A military officer in the pay of the United States has no claim to additional compensation for his civil service, and if he has received double pay, he cannot, in conscience, retain it. He referred to the case of Commodore Decatur, who negotiated a treaty with the Barbary Powers. There was an officer employed by General Washington to negotiate a treaty. He was allowed his expenses, but not double

pay. He understood that the expenses are allowed to General M'Neill.

Mr Sutherland spoke in favor of the allowance in the bill and against the amendment.

Mr J. W. Taylor said the only question is, *will you* reimburse your contingent fund the money which has been taken out of it. If you do, the contingent fund is made whole; if not, your contingent fund is short. It is not a question if you will pay General M'Neill. He has received his money; and if you direct the law officer to institute a suit against General M'Neill, the general will produce the commission of the President—prove that he has done his duty, and no court will compel him to refund a cent. He thought, therefore, the amendment irrelevant and would vote against it.

Mr Sterigere now called for the previous question, which was seconded by a majority of the House.

The previous question was then put and carried [which supersedes all pending amendments], and the main question was put, viz: on the engrossment of the bill; and carried—yeas 84, nays 52.

The sum of five hundred thousand dollars was also appropriated to carry into effect the bill providing for the removal of the Indians. An account of this bill has already been given in chapter third.

Certain sums, being unexpended balances, were also reappropriated.

An appropriation was also made for the partial settlement of a claim of long standing, and which involved no slight political feeling. This was the claim for the services of the militia of Massachusetts during the late war with Great Britain. This claim had been objected to because the Government of the State had refused to place the militia under officers of the Federal Government; and though in some instances their services were such as to render the claim undeniable, yet no distinction had been made between the different classes of claims, and the unadjusted account had hitherto been the subject of dispute. Now, however, an appropriation was made of four hundred and thirty thousand seven hundred and forty-eight dollars, for the payment of all claims for services where the militia were called out to repel invasion, either actual or where good ground existed to apprehend it: 2d. Where the calling out was recognised by the Federal Government: 3d. Where they were called out and served under the requisition of the President of the United States, or of an officer of the United States.

Appropriations were also made for the internal improvement of the country; but from the peculiar importance which this subject assumed towards the close of the session, it is deemed proper to treat of this class of appropriations in a separate chapter.

## CHAPTER VII

*Progress of Internal Improvement. — Act of 1824. — Opposition to System. — Course of Discussion. — President's Opinion. — Orleans and Buffalo road bill. — Survey bill. — Discussion concerning same. — Conditional approval. — Maysville road bill; Rejected — Discussion on Message. — Washington turnpike bill; Rejected. — Louisville Canal and Light-house bills; Retained. — Harbor bill.*

PREVIOUS to the accession of Mr Jefferson to the Presidency, the necessities of the country and the demands upon the public treasury growing out of the debts of the revolution, and the organization of the government, had prevented the application of any part of the public revenue to the purposes of internal improvement. No question was made as to the powers of the General Government to make such application, because more urgent demands upon its attention had prevented the agitation of such a question.

The finances of the country then began to wear a more promising aspect and a surplus in the treasury left the Government at liberty to attend to other demands, besides those of primary necessity.

The difficulty of access to the great western wilderness from the want of roads soon forced itself upon the attention of Congress,

and May 1st, 1802, a law was passed, making appropriations for opening roads in the Northwest territory. This was the first appropriation made by Congress for such a purpose. and during Mr Jefferson's administration, it was followed up, by acts making appropriations for roads from Nashville to Natches, from Georgia to New Orleans, and other roads within the limits of States, besides appropriations for the Cumberland road, and for roads within the State of Ohio, under the act of March 3d, 1803, appropriating 3 per cent of the proceeds of the public lands in that State, for the purposes of internal improvement. A survey of the coast was also authorized and \$50,000 appropriated for that object.

A report was also made to the Senate by Mr Gallatin, in answer to a resolution moved by Mr J. Q. Adams, in 1807, which

gave a general view of the subject and presented a digested and systematic plan for the improvement of the country.

Under that administration, the policy of internal improvement by the General Government, may be considered as having been commenced, and it was thenceforward prosecuted with more or less activity according to the state of the public finances.

During Mr Madison's administration, the appropriations for this purpose were increased, and by the act of May 11th, 1812, a survey was authorized of the main post road from Robinstown in Maine, to St Mary's in Georgia.

While Mr Monroe was at the head of the Government, these appropriations were still further augmented, and surveys were ordered of the interior rivers, and roads were opened by the authority of Congress — all indicating the growing prosperity of the nation and the increasing attention of the government to this subject. A check was indeed given to the policy by the veto, which Mr Monroe in 1822, put upon the bill authorizing the collection of tolls, for the preservation and repair of the Cumberland road. This veto was founded on an opinion, that Congress had not a complete right of jurisdiction and sovereignty over the soil for the purposes of internal improvement, which he considered as distinct from the power to make appropriations for that end, with the consent of the States, through which the road or canal should pass.

In this opinion the President differed from his cabinet, and although his veto was sustained by an additional message, setting forth at length his reasons for his opinion, it is to be presumed that he subsequently changed his views of the question, as the objects contemplated by the act of April 30th, 1824, (to which he assented) are at variance with the strict construction of the powers of Congress contended for in his veto message.

This act which appropriated \$30,000 for the necessary surveys, plans and estimates of such roads and canals as were deemed by the President of national importance; and also authorized the employment of the engineer corps in that service, was justly regarded as the deliberate adoption of a system of internal improvement.

It was indeed only an initiatory step; but the direction to lay the estimates before Congress, plainly indicated, that it was the intention of the Government to act efficiently, and that in the belief of Congress the time had arrived, when the resources of the country could not be more advantageously employed than in improving the channels of communication, between different portions of the Union. The engineer corps was accordingly ordered upon that service, and Mr Adams, when he assumed the office of chief magistrate, intimated his determination to give effect so far as fell within the sphere of the Executive Department, to the recommendation of Congress; and also an entire conviction of the expediency of the policy and the

constitutionality of the power. This frank exposition of his views removed a difficulty, which had prevented many appropriations during the preceding administration, and Congress took into immediate consideration those plans of internal improvement, that were deemed of the most immediate importance.

During that administration, accordingly, more appropriations were made for that purpose, and a greater impulse was given by the Government to the internal improvement of the country, than in all the preceding administrations. It was indeed one of its distinguishing characteristics, and contributed in no small degree to awaken the hostility, which was waged against it, from its organization.

The Representatives from the Southern States, excepting South Carolina, had generally evinced great repugnance to the exercise of this power on the part of the General Government, as one not authorized by the Constitution. All power vested in that Government, they argued, must be either specifically granted by the Constitution, or incidental to some power specifically granted. No power to make internal improvement was to be found among the specified powers, nor was it incidental to any of those powers.

Those who maintained that the power existed in the General Government contended, that it was derived 1st, from the power to establish post roads; 2d, from the power to regulate commerce between the States; 3d, from the power to make and carry on war,

and as one of the necessary means to construct roads and canals for the transportation of troops and munitions; 4th, from the power to lay taxes 'to pay the debts and provide for the common defence and general welfare of the United States; 5th, from the power to pass all laws necessary to carry into effect its constitutional powers, and 6th, from the power to make all needful rules respecting the public territory.

As in most constitutional discussions, both parties were fixed in their own conclusions, and although those who denied the power were invariably overruled in Congress, they were no less clamorous in protesting against its exercise as one of the striking proofs of the tendency of the Federal Government to corruption and consolidation.

The question of the expediency of exercising such a power by Congress was also strongly questioned, and it was predicted that it would be productive of dissensions and improper combinations in the legislature; great extravagance in the expenditure of public moneys; accumulation of power in the Federal Government, which would render the State Governments mere dependencies upon its generosity or caprice, and that it would place at its command a host of contractors, engineers, toll-gatherers and superintendents, who would exercise a control in the local elections incompatible with the independence of the State Governments.

On the other hand, the necessity of these improvements; the inability of the State Governments



or of private associations to execute them; and their tendency to strengthen the bonds of union were eloquently portrayed; and it was aptly replied that any argument drawn from the danger to the independence of the State Government, or of dissensions or improper combinations in Congress, or of extravagant expenditures on account of appropriations of this character, was just as applicable to the system of fortifications or to any appropriations for local objects undeniably within the jurisdiction of the General Government.

That the subject matter of legislation, if within the constitutional power of Congress, must be left to its discretion, and however much that discretion might be abused, its abuse did not affect the constitutional question which necessarily depended upon reasons of a different kind. The remedy for an abuse of power was vested in the people, and a sufficient check would be found in the periodical elections to prevent all tendency to extravagance or corruption in the exercise of a power so indispensable to the prosperity of the country.

While this discussion as to the expediency and constitutionality of the power was renewed with unusual animation, during Mr Adams' administration, the opponents of internal improvement seemed to have forgotten, that the opposing candidate to the incumbent had evinced, while in the Senate of the United States quite as latitudinarian opinions on this disputed point. His votes on certain bills making appropria-

tions for roads and canals were not only in favor of the system of surveys as established by the act of 1824, but also in favor of subscriptions to the stock of private canal companies and of appropriations for roads within the limits of particular States. This heterodoxy was overlooked, or indulging in the hope, that the constitutional principles of that candidate were not yet definitely settled, or that as the representative of a reforming party, he might be induced to make them more conformable to their own political creed, the Southern States and those of the same party in the north yielded him their most ardent support, undaunted by the fact, that he was represented in the Western and Middle States as the friend of internal improvement and that these votes were appealed to as conclusive evidence of his sentiments. His inaugural message gave no indication of any change of opinion, but simply advanced the oracular proposition that 'internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government are of high importance.' In the message at the opening of Congress, he first manifested an unwillingness to the exercise of this power by Congress; but his recommendation of an apportionment of the surplus revenue among the States, as a substitute for internal improvement by the Federal Government was scarcely regarded as a measure seriously contemplated.

As the session advanced, however, the divisions on the passage

of certain bills authorizing internal improvements began to indicate, that no support of these bills could be expected from the more confidential friends of the Executive and that the cause of internal improvement would be left chiefly to the care of the opposition. Many however who were classed among the supporters of the administration were staunch advocates of internal improvement and so vitally important did they deem the assertion of the powers of Congress on this question, that in one instance, after the rejection of a bill of this character by too strong a vote to hope for its final passage, they voted in favor of its reconsideration to prevent any inference being drawn as to the motive which influenced their votes. This occurred in the House of Representatives in reference to a bill brought forward early in the session to construct a national road from Buffalo to New Orleans.

After much discussion concerning this bill, on the 14th of April, the previous question was called for, and the House decided by a vote of 86 ayes, 105 nays, that it should not be read a third time.

Mr P. P. Barbour then rose and congratulating the House on this decision, observed that it had achieved glory enough for one day and moved an adjournment. This observation offended many who voted against the bill, as it seemed to place its rejection upon the ground of its being considered unconstitutional, whereas their votes were given simply in reference to the expediency of making this particular road.

The motion to adjourn thus asked was accordingly negatived, 78 ayes, 111 nays, and the next day upon motion of Mr Spencer of New York, the House determined to reconsider the bill, 99 ayes, 91 nays. As it was not intended to press the passage of the bill, a motion was then made, that it lie on the table, and carried, 94 yeas, 88 nays.

The discussion was again renewed upon the consideration of the bill, making appropriations for examinations and surveys. This bill was taken up in the House on the 25th of March, when on motion of Mr McDuffie, the House resolved itself into Committee of the whole on the state of the Union, and took up the bill making appropriations for examinations and surveys, &c, viz :

For defraying the expenses incidental to making examinations and surveys for national works under the act of 30th April, 1824, and also for arrearages on account of surveys in 1826, 1827, and 1828, 30,000 dollars ;

For completing the Cumberland Road from Zanesville to Columbus, 91,000 dollars ;

For continuing the road from Detroit to Fort Gratiot, 7,000 dollars ;

For continuing the road from Detroit to Saganaw Bay, 7,000 dollars ;

For continuing the road from Detroit to Chicago, 8,000 dollars ;

For completing the road from Pensacola to St Augustine, 10,000 dollars ;

For completing the survey and estimate of a canal to connect the

waters of the Atlantic with the Gulf of Mexico, 10,400 dollars.

In reply to a question from Mr Wickliffe,

Mr McDuffie said that the Committee of Ways and Means had determined to make the appropriation this year, but there was a disposition in the Committee to discountenance any excess of expenditure on these objects.

Mr Hall, remarking on the term 'National objects,' asked if there was not a national object to which the revenue could be properly and beneficially applied: he meant the payment of the national debt. That was the only national object in his view. Mr Hemphill stated that the present appropriation was partly required to complete surveys already commenced. He thought the appropriation of \$30,000 insufficient: and moved to add \$5000.

Mr Ingersoll expressed his regret that the gentleman from Pennsylvania had moved to increase the sum. He stated that it had been the practice, till this year, to pay the arrearages, as well as the current expenses out of this 30,000 dollars; but he understood that this year the Department had ordered only the current expenses out of the 30,000 dollars.

Mr Hemphill withdrew his proposition to amend.

Mr Wickliffe moved so to amend the bill as to confine the appropriation to surveys of national works which have been commenced and are not completed.

Mr Clay opposed the amendment, the object of these surveys being to give that information on which Congress may found legislation.

Mr Mercer also expressed his hope that no sudden impulse caused by the remarks of the gentleman from Kentucky, would induce the House to adopt the amendment. He adverted to charges which had been formerly made of improper expenditures in these surveys, charges which he said had never been, in any single instance supported by anything like a plausible argument. He instanced the Chesapeake and Ohio Canal, to show that the Government was not subject to call after call for the same object. For that canal, which the Engineers estimated at eight millions, Congress had subscribed one million. No second application had been made, and he would say further, that no second call would be made on Congress to aid the eastern section of the work, estimated at eight millions. He stated that these surveys are made for the purpose of obtaining knowledge; and without that knowledge we must legislate in the dark, and the public money would be wasted, in larger sums, in useless discussions as to the routes of roads and canals.

Mr Lea suggested to Mr Wickliffe, to enlarge his proposition, so as to include all objects which may be recommended by either House of Congress.

Mr Ellsworth thought the limitation unjust and unreasonable. If there are objects which are national, yet to be commenced, it would be unjust to postpone them because they had not been begun.

Mr Wickliffe accepted the amendment of Mr Lea as a modification of his amendment.

The question was then put on the amendment as modified, and

decided in the negative — yeas 50, nays 66.

The bill having been reported to the House was again taken up on the 31st of March, when Mr Wickliffe moved to amend the bill in the clause appropriating money for surveys, by adding a proviso, that the sum appropriated should be expended on works heretofore directed, or which may be directed by either House of Congress.

Mr Ellsworth expressed a hope that the amendment would not be adopted. He reminded the House that it had been customary to pass an appropriation of this kind annually; and he desired that it be applied on the usual principle, that the same discretion, which had been hitherto given to the proper department in the disbursement of this money, should still be given to them. He argued against the proposed change as inexpedient, unjust and unreasonable.

It seemed to contemplate that whenever a proposition for any appropriation for any particular work is made, the subject is to undergo a discussion in this House; and members are to be called on to decide, with the superficial knowledge they must be supposed to possess, on the preference of making a survey for a route *here*, over that for a route *there*. He hoped, therefore, that the amendment would not prevail.

Mr McDuffie repeated the objections he had urged against this limitation at the last session, when a similar proposition was negatively by a vote of four to one. If this limitation should be adopted, every member will have his own peculiar project carried through

or no propositions will pass. Complaint had been made that the works begun were not National, yet it was proposed to compel the Government to complete them instead of taking up others which might be National. It was therefore an unreasonable proposition, and he hoped it would not be adopted.

Mr Wickliffe defended his amendment on the ground generally of the abuse which the present mode led to, the unimportant nature of the works which it enabled members to be procured to be undertaken, &c.

Mr Martin stated that, although opposed to the system, he was still more opposed to the amendment, in its present form. If the system was to be continued, he was for leaving its exercise where it was now, to the Executive, and to keep this House as clear as possible of the contention, and the agitation which it was calculated to produce here. He then moved to amend the amendment by striking out, 'or such as may hereafter be directed by either House of Congress.'

Mr Trezvant made some remarks against the commitment of a discretion to the Departments as to the direction of any surveys. He wished to confine the appropriation to such surveys as have been commenced, and that the House should afterwards decide on the propriety of new ones. He argued at some length in explanation of his views, and hoped the amendment of the gentleman from South Carolina would not be adopted.

Mr Hall opposed the whole system, the amendment as well as

the bill itself. If he took the amendment of Mr Martin, the remainder of Mr Wickliffe's amendment would contain enough to involve all his principles. He could vote for none of the questions proposed.

Mr Mercer suggested that many surveys had been ordered by Congress which have not yet been commenced. And the effect of the amendment would be to relieve the Executive of all responsibility whatever.

The amendment moved by Mr Martin to the amendment, was then negatived.

Mr P. P. Barbour suggested a modification of the amendment so as to strike out the words 'either House of,' so as to read — shall be directed by Congress.

Mr Wickliffe declined to accept the modification.

Mr P. P. Barbour then moved his proposition as an amendment.

Mr Drayton stated that his opinion had always been that the act of 1824, authorizing this expenditure for surveys, was unconstitutional. He consequently was opposed to all appropriations for these objects; but he was in favor of the amendment for reasons he stated — the chief of which was that it would tend to prevent abuses in the execution of the act, and contending that works beginning and ending in the same State, could not be deemed national, but many such under the present system had been undertaken.

Mr P. P. Barbour enforced the propriety of the amendment he had offered. The vote of this House is the vote of the representatives of the people, while

that of the Senate is the vote of the representatives of the States; and he wished to unite both. He declared himself utterly opposed to the whole system, and every scheme, survey, and appropriation under it.

Mr Mercer advocated the power of the Government to make these surveys, and the practice which had prevailed under that power, denying peremptorily that it had led to any abuses, although the allegation was so often repeated, and arguing that a work commencing and ending in a State might be, and often was strictly national; many cases of which he cited; amongst others, he maintained that if a line of canals from Maine to Georgia was a national work, any part of that line, however small, is national. The whole work cannot be completed at once; it must be constructed in detail and in parts. The Buffalo and New Orleans road, he considered as national, whether it was cut up in decimal parts, or viewed as a whole. He said he had carefully investigated the practice of the Department, and he believed it to be free from abuse. Even in a case which he had four years ago considered the most doubtful, he had subsequently satisfied himself that there was no ground for doubt. To objections on the score of local interests being too influential, he replied that in time of war it was as important a power which regulated the direction of an army, as that which gives the direction of a road. The western part of the State of New York had entirely sprung up under the fostering influence of

the late war, as millions had been expended there, in consequence of the march of troops there. Yet no one contended that in that case the Government should be controlled lest the local interests of one section should be preferred to those of another.

Mr Ambrose Spencer stated that the question as to the power of the Government to make these surveys, was settled by the act of 1824, and that it was useless now to make it a subject of discussion. He was opposed to imposing upon the present administration a limitation which had not been imposed on their predecessors. He declared himself adverse to the amendment to the amendment, as well as to the amendment. He expressed his concurrence in the views which had fallen from the last speaker, and controverted the idea that works confined entirely to particular States were necessarily not national, cases of which he cited.

Mr Irwin of Penn. expressed his hope that both the amendment of the gentleman from Kentucky and that of the gentleman from Va. would be rejected.

Mr Mallary contended that it was due to the President, who is at the head of the military force, to give to him an entire command over those works which are connected with the military defence of the country. He could, in the exercise of that power, lead to more full and more satisfactory results, than we can ever be brought to by listening to the contending claims of conflicting interests in the House. There was no reason for imposing this limitation on the present Executive.

Mr Barringer said the adoption of the amendment could only lead to a multiplication of surveys, and he argued briefly to show the inexpediency of the amendments.

The amendment to the amendment was negatived—yeas 72, nays 96.

The question was then taken on the amendment of Mr. Wickliffe, and decided in the negative—75 yeas, 111 nays.

The bill was then ordered to a third reading—121 yeas, 64 nays, and having been passed was sent to the Senate for concurrence.

In the Senate, it was amended by two additional sections, appropriating \$100,000 for opening the Cumberland road west of Zanesville; \$60,000 for continuing it through the State of Indiana; \$40,000 for continuing it through Illinois; and \$32,400 for opening it from St Louis to Jefferson City in Missouri, and also providing for the appointment of superintendence of that road in those States, upon the same terms as those superintending the road in Ohio. These amendments were sanctioned by the Senate; yeas 26, nays 16.

An appropriation of \$15,000 was also made for arrearages on account of the Cumberland road.

An amendment was also offered by Mr Dickerson, to strike out the appropriation for the survey of a canal between the Gulf of Mexico and the Atlantic. This was rejected, 15 yeas, 31 nays, and the bill was passed the next day (April 17th) 26 yeas, 17 nays.

In the House the amendments were concurred in except those

providing for the continuation of the Cumberland road from St Louis to Jefferson City. Those parts were stricken out in the House, on the 29th of May, and the Senate having concurred, the bill was sent to the President for his sanction.

He had now taken his stand on the question of internal improvement — (the message rejecting the bill for constructing the Maysville road, having been transmitted on the 27th of May,) — and having there set up certain distinctions between national and local improvements, to justify his rejection of that bill, he undertook to approve of this bill with a qualification. This qualification consisted in a reference to a message sent to the House, together with the bill, wherein he declared that as the section appropriated \$8000 for the road from Detroit to Chicago might be construed to authorize the application of the appropriation to continue the road beyond the territory of Michigan, he desired 'to be understood as having approved the bill with the understanding, that the road is not to be extended beyond the limits of the said territory.'

This message exemplified in a striking manner the crude and unsettled notions of the President and of his constitutional advisers respecting the nature of the Government and of the duties of the Executive. The President by the Constitution is vested with the right of returning bills, that he does not choose to sanction, with his objections to the House where they originated. Here the bill is reconsidered and unless it is

sanctioned by a vote of two thirds of both Houses, it does not become a law. This right of the President, however, is a mere naked right of approval or disapproval. He cannot annex any conditions or qualifications to his approval.' Still less can he undertake to give any particular construction to a law at the time of his approval. The President however seemed to think otherwise, and notwithstanding the section directed the application of this appropriation to a road extending from Detroit in Michigan to Chicago in Illinois, he undertook to limit its application to such part of the road as was within Michigan, and to imagine that that declaration of his, that he would so apply it, rendered the appropriation constitutionally within the power of Congress.

No declaration of his could make such an appropriation constitutional, unless Congress was originally authorized to make the appropriation as made in the bill. If not so authorized, the President should have returned the bill with his objections, and a declaration, that he would apply an unconstitutional appropriation upon a constitutional object, was superadding to a legislative violation of the Constitution, a breach of his own duty as the chief executive magistrate of the Union. This difficulty was occasioned by the views expressed in his Message rejecting the Maysville and Lexington road bill, which will be found in the second part of this volume, page 22.

This bill, which originated in the House, where it was reported

February 24th, authorized a subscription to the stock of the Maysville and Lexington road Company. It was passed in Committee of the whole House, on the 26th of April, and on the 28th of April, it was ordered to a third reading, 96 yeas, 87 nays. The next day Mr Martin of South Carolina moved that it be laid on the table, which was negatived, 85 yeas, 102 nays. The previous question being then called for by Mr Crockett, the bill passed, 102 yeas, 85 nays, and was sent to the Senate for concurrence.

In that body, Mr Forsyth moved when it came up for consideration (May 14th) to strike out the 1st section of the bill, but the motion was rejected, yeas 18, nays 25. The next day the bill was passed, yeas 24, nays 18, and on the 19th of May, it was signed and sent to the President. The President retained the bill until the 27th, when he returned it to the House with his objections, as set forth at length in his message before referred to.

According to this message he seems to be of opinion, that under the Constitution, Congress can in no case construct or promote any works of internal improvement within the limits of a State provided the jurisdiction of the territory occupied by them be necessary for their preservation and use.

As to the appropriation of money in aid of such works, when undertaken by State authority surrendering the claim of jurisdiction, the message advances the opinion, that by the practical construction of the Federal Con-

stitution, Congress has *acquired* the power to appropriate money in aid of works of internal improvement provided such works be 'of a general not local — national not State character.' The work in question he considered of the latter class, and he therefore returned the bill authorizing the subscription to its stock to the House where it originated. Besides this view of the subject, the President went into an examination of the expediency of entering upon a system of internal improvement and by reasons referring to the liquidation of the public debt and the extravagant character of certain proposed improvements indicated a feeling of hostility to the exercise of the power by Congress.

The reading of this message produced great excitement in Congress. Many of the friends of the President from Pennsylvania and from the west, had relied upon his adhering to his former opinions on this question, and this message first forced upon their minds a conviction as unwelcome as it was unexpected.

The consideration of the subject was postponed until the next day (May 28th,) when the House proceeded to the reconsideration of the bill.

The question was upon the passage of the bill, notwithstanding the objections of the President. The Constitution, in such cases, requires a vote of two thirds of both Houses of Congress to confirm the bill.

Mr Daniel said, he had supported the measure condemned by the message, but, as a co-or



dinate branch of the Government has called on this body to stop their career, he, for one, was disposed to give the people of the nation an opportunity to consider, coolly and dispassionately, the objections urged by the President against the mode of appropriating money to objects not national. It is the first time in the history of the world that the Executive of a nation has interposed his authority to stop extravagant and ruinous appropriations. He was elected on the principle of economy and reform; and if the representatives of the people refuse to him a proper support, it is impossible that the object for which he was elected can be obtained. In the discharge of his duty as the servant of a free and independent people, and in obedience to what he believes to be their will, he has laid this subject before them. They will have to pass upon the correctness of his views, and I feel disposed, out of respect to them and the President, to give them an opportunity.

Mr Daniel said he was in favor of internal improvement; but the system, as it has heretofore been carried on and pursued, was better calculated to destroy than to promote it. The House had been admonished, on a former occasion, by the gentleman from New York (Mr Storrs), that the friends of the system were breaking it down by their extravagance and folly. It was clear, from the message, that if the system was pursued as it had been attempted at the present session, this nation would soon be involv-

ed in a large and immense national debt. The members of Congress would understand each other—if not corruptly, the effect would be the same; they would vote for each other's projects without regard to the public good. A host of federal officers would be created to superintend the collection of tolls, and the repairing and amending those improvements. The tax on the people would be increased, until their leaders would be as great as they are in any despotic government on earth. Besides, it would end in corruption beyond control. The members of this House cannot now read all the documents printed and laid on the tables. This system will produce a swarm of officers and accounts without end. The representatives of the people can never examine them—the officers become irresponsible and corrupt, and it will produce consolidation of the Government. If the system is to be persevered in, let us adopt one that will not be productive of this evil.

Mr Stanberry said that, in the view he took of the matter, he considered the communication which had been just received, as the voice of the President's ministry, rather than that of the President himself; or, to speak more correctly, the voice of his chief minister. The hand of the 'great magician' was visible in every line of the message. There was nothing candid, nothing open, nothing honest, in it. As one reason why the Executive rejects the bill, he assigns the extravagance of this Congress as

having been so great that there will not be money enough in the Treasury to meet the small appropriation contained in the rejected bill. And as an evidence of the correctness of such apprehension, the appendix contains a list of all the bills which have been reported in the Senate and in the House, but not passed. These are relied upon in the argument as if they had passed and become laws. When it is well known to all of us, the most of these bills are only evidence of the opinions of the Committees by whom they were reported; and there is not even a probability that they will ever become laws. Among the bills of this description, contained in the appendix, is the bill reported in the Senate providing for the amount of French spoliations, which, of itself, makes an item of five millions of dollars. There is also included in the appendix the bill for the relief of Susan Decatur, and that for Beaumarchais' claim and the claim of Richard W. Mead. There is added also, the bill for the Colonization Society, proposing to pay twenty-five dollars for each negro in the United States. And to swell the amount, the claim of President Monroe is also added. All these amounts put together, give to the proceedings of this Congress an appearance of extravagance which does not belong to them. On the whole, I consider this document artfully contrived to bring the whole system of internal improvement into disrepute, and as calculated to deceive the people. Such a document can never have issued from the Presi-

dent. It is not characterized by that frankness which marks his character. It has every appearance of a low electioneering document, not worthy of the eminent source to which it is attributed.

But, sir, if extravagance has marked the proceedings of this Congress, it is not chargeable on the majority of this House. The appropriations which have been made have been asked for by the Executive officers themselves. And they have asked for more than we have granted. And the most extravagant project of this session, and one which will, I fear, forever disgrace this Congress, I mean the bill for the removal of all the Southern Indians west of the Mississippi, came recommended to us as the peculiar favorite of the Executive.

I can say, with truth, that many members of this House were induced, contrary to their consciences, to vote for the bill in consequence of their not having independence to resist what they supposed to be the wishes of the Executive. They were literally dragooned into its support. I certainly, sir, had many other reasons for my opposition to the bill; but not the least of my reasons was a belief that its passage would strike a death blow to the whole system of internal improvement. It received the support of all the enemies of internal improvement, as their only means of destroying the system; and it is accordingly relied upon in this message, and I will admit that it is the only good reason assigned in it against any further appropriations for the improvement of

the country. And yet we, who are the friends of this administration, but still greater friends to the honor and prosperity of the country, have been threatened with denunciations by certain members of this House ; but who have no other claim for the station which they have assumed as our leaders than the single circumstance of their coming from Tennessee, for our opposition to the Indian bill — for our contumacy in opposing what they were pleased to represent to us as the wishes of the Executive. Sir, let them commence their denunciation — I fear no bravo, unless he carries the assassin's knife. Against every other species of attack I am prepared to defend myself.

Mr Polk said that, while it had been understood, in conversation through the House that the friends of this measure were disposed, without further debate, to take the vote on reconsideration, on the veto of the President, according to the provisions of the Constitution, he thought he could speak confidently, when he said that those opposed to it had determined to pursue a similar course.

The debate had, however, been brought on. The violent, vindictive and unprecedented character of the remarks which had just fallen from the member from Ohio (Mr Stanberry), had opened the whole discussion.

Mr Polk said, he took the liberty to say to the member from Ohio that this violent torrent of abuse, poured upon the head of the Chief Magistrate, was gra-

tuitous, and wholly unjustifiable, not sustained in a single particular by the truth, and wholly unfounded in fact.

No man in the nation, of any party, who knows the character of the President, believed what the gentleman had charged upon him. He was glad that the member had at length thrown off the cloak, under which he had covertly acted during the present session. He had been elected to his seat here by the friends of the President. He came here professing to give to his administration a fair and an honest support — professing to be enumerated among his political friends. Had he sustained one single measure which the President recommended ? Not one — and it was matter of no regret that the member had at length thrown off the mask. He cannot claim this occasion or this bill as a pretext for his desertion from his former professed political attachments. What was there in this occasion to call forth such a tirade of abuse ? The President has returned to this House, as it was his constitutional right, and entertaining the opinion he did, his duty to do, a bill which has passed Congress and been presented to him for his constitutional sanction. He had, in a very temperate, and he added, in a very able manner, assigned the reasons why he had felt himself constrained, from a high sense of public duty, to withhold his signature and sanction from it. We were called upon by an imperative provision of the Constitution to reconsider the vote by which a ma-

jority of this House had agreed to pass the bill? The bill and the message of the President were the fair subjects of deliberation and discussion for this House.

The message of the President, he undertook to stake, was emphatically his own; and the views presented for the rejection of this bill were the result of the honest conviction of his own deliberate reflection. Was it an electioneering measure? No man who knows his character will believe it. Such considerations are only suited to the bent of such grovelling minds as are themselves capable of making the charge. No, sir, on the contrary — on the brink of a great crisis — at a period of unusual political excitement, to save his country from what he conscientiously believed to be a dangerous infraction of the Constitution — to avert the evils which threatened, in its consequences, the long continuance of the Confederacy, upon its original principles — he had, with a patriotism never surpassed, boldly and firmly staked himself, his present and his future popularity and fame, against what seemed to be the current of public opinion. Had he signed this bill, the road on which he would have travelled would have been a broad pavement, and his continued elevation certain, beyond a possibility of doubt. As it was, he had planted himself upon the ramparts of the Constitution, and had taken the high responsibility upon himself to check the downward march, in which the system of

which this bill is part, was fast hastening us. It required just such a man, in such times, to restore the Constitution to its original reading. He had never failed to assume responsibility when he should assume it; and in no instance, in his public life, had he displayed in a more eminent degree, that moral courage and firmness of character, which was peculiarly characteristic of him, than in this. By this single act, he verily believed, he had done more than any man in this country, for the last thirty years, to preserve the Constitution and to perpetuate the liberties we enjoy. The Constitution was, he hoped, to be again considered and practised upon, as it, in fact, was one of limited powers, and the States permitted to enjoy all the powers which they originally intended to reserve to themselves in that compact of union. The pernicious consequences, the evil tendencies, to say nothing of the corrupting influence of the exercise of a power over internal improvements by the Federal Government, were not fully developed until within a very few years last past. Mr Madison, on the last day of his term of office, put his veto on the bonus bill. In the following year Mr Monroe rejected a bill assuming jurisdiction and fixing tolls on the Cumberland road. The subject of the power was discussed at great length, and with great ability in the next Congress. The House of Representatives, by a small majority, at that time, affirmed the power to appropriate money for objects of national improvements, but denied, and by

the vote of the House negatived, the power to *construct* roads or canals of any character, whether *military*, *commercial* or for the transportation of the *mail*. It was not until the last administration, that the broad power to the extent now claimed, limited only by the arbitrary discretion of Congress, was asserted and attempted to be maintained by the Executive and by Congress. . It was not until that period that its dangers were fully perceived. The President had manifested, in the message before us, that he had been an attentive observer of its progress, and its probable, if not its inevitable consequences. He could not shut his eyes to the constant collisions, the heart burnings, the combinations and the certain corruption to which its continual exercise would tend, both in and out of Congress. In the conscientious discharge of a Constitutional duty, which he was not at liberty to decline, he had withheld his signature from this bill, and had frankly submitted to us his views upon this important question ; and he trusted we would deliberate upon it temperately, as we should, and in the vote which we were about to give upon the reconsideration of this bill, according to the powers of the Constitution, express the opinions which we entertain, and not make a false issue, growing out of a personal assault upon the character or motives of the Chief Magistrate.

By denying the power to construct roads and canals, by refusing to assume the exercise of any doubtful power, and by deeming

it safest to refer the question to our common constituents for an amendment to the Constitution, the President had deprived himself of a powerful branch of Executive patronage and influence, and has thereby given the most conclusive evidence of his integrity of purpose, and the strongest refutation of the affected and stale cant of his enemies, that, because he was once a leader of the armies of his country, he would be disposed in the civil government to assume more powers than legitimately belonged to him. . The power of interposing the Executive veto upon the legislation of Congress had been often exercised since the commencement of the Government under the present Constitution. It had generally been exercised upon Constitutional ground. But instances were to be found where the power had been exercised wholly upon the grounds of the inexpediency of the measure. A single instance he would cite. On the 28th February, 1797, General Washington returned, with his objections, to the House in which it originated, a bill which had passed Congress, and which had been presented to him for his signature, entitled ' An act to ascertain and fix the military establishment of the United States.' He withheld his signature from this bill, not because of the unconstitutionality of its provisions, but because, in his opinion, it was *inexpedient* to pass it. Mr Madison, during his administration, had put his veto upon several bills besides the bonus bill. The exercise of this constitution-

al power by the Executive, had never been received with alarm ; but, on the contrary, had, been regarded, as it was intended to be, as a necessary and wholesome check upon the acts of the legislature.

Mr P. P. Barbour rose and said, he felt impelled, by an imperious sense of justice, to say something in vindication and justification of the Chief Magistrate of the Union, against the strong animadversion in which gentlemen had indulged towards him, because he had dared to do his duty.

Was it in the contemplation of those who framed the Constitution, that the President should be set up as a mere pageant, with powers possessed in theory, but never to be reduced to practice ? or was it intended that this veto upon legislation, like every other power, should be exercised whenever the occasion should occur to make it necessary ? Do not gentlemen perceive that they might, with as much reason, complain that the Senate had negatived one of our bills ? for they, too, are only a coordinate branch of the legislature, as is the Executive Magistrate.

Sir, each department, and every branch of each department of Government has its appropriate functions assigned. The country expects and requires every one to do its duty, whether it consists of one man or a plurality of men. And whosoever shall fail to do so, though he may hope to consult his safety by an avoidance of responsibility, will find that he has forfeited the esteem and confidence which are inva-

riably awarded by public opinion to firmness and fidelity in the performance of public trusts.

The Constitution proceeds upon the idea that Congress, composed of the Senate and House of Representatives, is not infallible. It has, therefore, erected the additional barrier of the Executive veto against hasty or injudicious action.

It contemplates that veto as countervailing the opinion of one third of both Houses, because its interposition makes the concurrence of two thirds of both Houses necessary. To complain, then, of its exercise is to quarrel with the form of Government under which we live. It is the precise reverse of a complaint which we have often heard of in a European monarchy. There, the King complained whenever the Parliament refused to register his edicts. Here, the Congress are to complain whenever the Chief Magistrate declines to register their will.

I rejoice, sir, that he has so declined. I congratulate my country that, in this instance, the Chief Magistrate has displayed as much of moral, as he heretofore did of physical courage.

The main purpose of the gentleman from Ohio seemed to be to inculcate the opinion that the rejection of the bill in question was with a view to acquire popularity. Look at the circumstances of the case, and tell me whether this opinion can be sustained.

This bill was not only carried by a majority, as it must have been, but by a decisive majority

of both Houses of Congress. Can any man suppose that a President who set out upon an adventure in quest of popularity, would make his first experiment against a question which, by passing both Houses of Congress, seemed to carry with it the approbation of the States, and the people of the States? On the 'contrary, if he were going for himself rather than for his country, would he not, by approving the bill, have just floated down the current of apparent public opinion, without encountering the least impediment in his course? Instead of this, sir, what has he done? Regarding his country more than himself, looking with an eye that never winked to the public good, and not to his personal aggrandizement, he has witholden his approval from this bill, which was a favorite bantling with a majority of both Houses of Congress; he has thus placed himself in a position where he has to win his way to public approbation, in this respect, under as adverse circumstances as the mariner who has to row up stream against wind and tide.

Sir, the man who is in quest of popularity and power would have taken a different course. By approving this bill and thus continuing the system of internal improvement, the President would have commanded an immense amount of patronage, as well in the disbursement of countless millions of money, as in appointments to office. And yet, though these means of power and influence would be at his own command, though he presents the

rare example of an Executive Magistrate rejecting the use of that which would contribute so much to personal aggrandizement, he is still charged with courting popularity.

Sir, I hail this act of the President as ominous of the most auspicious results. Amongst the many excellent doctrines which have grown out of our republican system, is this; that the blessings of freedom cannot be enjoyed without a frequent recurrence to fundamental principles. In this instance we are making that recurrence. It would seem, sir, that the period of about thirty years constitutes a political cycle. Thirty years ago, at the opening of the present century, our Government was drawn back to its original principles; the vessel of state, like one at sea, had gotten upon a wrong tack, and the new pilot who was then placed at the helm, brought it again into the right course for the purpose of reaching its proper destination. In the progress of a long voyage it has again declined from its proper course. And I congratulate the whole crew that we have found another pilot with enough of skill in navigation and firmness, again to correct the declination. The present Chief Magistrate, sir, 'had done the State some service' heretofore; but in my estimation it was but as dust in the balance, compared with the good which he has now done.

I not only concur with the President as far as he goes in his views, but I go farther. He denies the power of Congress to

construct roads, with a claim of jurisdiction. So do I. He admits that, as the Constitution has been long construed, the power to appropriate money for such purposes as are really national, must be acquiesced in, until the difficulty is removed by an amendment. In this I differ from the President as he has a right to differ from me and from both Houses of Congress. But as I claim the right to follow the lights of my own judgment, so I am always ready to acknowledge that of the President to do the same.

But I will not now go into the Constitutional question. Apart from this, let me ask whether there are not abundant reasons for the course which the President has pursued? He tells you the subject has been involved in doubt, and has produced much diversity of opinion. This is a part of the political history of the country. Is it not the part of wisdom, as well patriotism, to submit this question to the States, in the form of amendment, rather than press on against the known will of a large portion of them? The States feel a deep sense of loyalty to the Union; but they feel, too, that they have rights to demand as well as duties to perform. Let us not place them in a situation where they may be driven to a course that would be called patriotism by some and rebellion by others, but which, by whatsoever name it might be called, would endanger the success of our great experiment, the benefits of which concern the whole human family. The course

suggested by the Chief Magistrate is calculated to avert these dangers. When members on this floor maintain any principles, they have no weight but that which belongs to them as individuals; but when a suggestion comes from the Executive, and especially accompanying his rejection of a bill, it brings with it all the authority to which the opinion of a branch of the Government is entitled. An issue is thus made up between him and Congress, which will cause the people to deliberate; and thus we may hope that it will be calmly decided by them, so as to put the subject forever to rest.

Sir, there are other reasons why this course, pursued by the Executive, should meet our decided approbation. I allude to the inequality and demoralizing tendency of this system.

A distribution made upon principles of actual inequality will produce deep disgust on the one side, and fostering corruption on the other.

I mean no offence to any State or individual; the remark applies without distinction, to all States and individuals, under all circumstances. Sir, the history of all people, nations, tongues and languages teaches us the same melancholy truth, that all Governments, of whatever form, have finally perished by corruption.

Mr Vance said that, the course pursued by the President would not operate on his mind, either for or against that individual. He reminded the House that he had himself been always an advocate of the system of internal improve-



ment. He stated that, by that system the west must stand or fall. Unless it be sustained, the west can never have any participation in the appropriations of the General Government. As soon as the wealth derived from emigration shall be exhausted, the west must be drained of every dollar unless this system be continued. It is only by its continuance that the prosperity of those who now live in the west can be prevented from becoming hewers of wood and drawers of water to the eastern States. He stated that the south had, during the last year, received more of the disbursements of the General Government than had been expended in the whole of the western country on internal improvement. He then defended his colleague from the attack made upon him by the gentleman from Tennessee. His colleague (Mr Stanberry) was able to sustain himself. That gentleman should have more gratitude for his colleague and for the balance of the Ohio and Kentucky and Pennsylvania delegation, who would now vote against him on the question. For himself, he felt no disappointment, for he had foretold from the stump the course which the present administration would take. His colleagues had, also, from the stump declared that they well understood the thing, and that General Jackson was the firm, steady and consistent friend of internal improvement. It was clear that he had so far succeeded in concealing his real feelings on the subject as to deceive those gentlemen. They had, however,

gone hand in hand with the gentleman from Tennessee, and had gained the victory. They had attained the triumph and now they were receiving their reward. When this message came into the House it struck a damp to the feelings of those individuals, who then felt the final destruction of all their fond hopes.

Mr Bell said, when the member from Ohio (Mr Stanberry), took his seat, his feelings had prompted an immediate reply, not more because of the unprecedented manner of the attack upon the message which had been the subject of remark, than of the nature of the allusion which had been made to a bill not now before the House.

The member from Ohio has told the House that a majority of its members were dragooned into the passage of the Indian bill by the Heads of Departments. I had hoped that we should hear no more upon the subject of that bill, upon this floor, in the tone which had been so finely indulged by many of the gentlemen who had spoken against it, particularly as the concluding argument had been waived. It was not enough that, in the discussion of that bill, when it was directly before the House, every epithet of reproach had been thrown out against its author : that one member should say it was perfidious ; another, that it was infamous, and a third, that open bribery had found a sanction in the officers of the Government ; and all these denunciations did pass almost unnoticed by the friends of the administration. I sat still and for-

bore reply under repeated slanders of this kind ; and at the instance of the friends of the measure, and in consideration of the advanced period of the session, permitted the question to be finally taken, without reply.

The President, in taking the ground he did upon the Indian question, knew that he was incurring great responsibility ; that he was brooking deeply wrought prejudices in various classes of the community ; in many sections strong religious feelings ; that he was exposing himself to the arts and misrepresentations of his political enemies, yet he dared to take the course he did, because he loved his country and its institutions ; that country for which he had hazarded more than mere personal popularity upon repeated occasions — for which he had offered to die. What had he gained by his course upon that question ? The President had taken a strong interest in the success of the policy of removing the Indians, because he thought it calculated to preserve the harmony of the republic, and its reputation from a blot, which the inherent difficulties of our relations with the southern tribes, and the irritations likely to grow out of them might bring upon it. But, sir, when he had laid the proposition before Congress he felt his conscience free. He had done what duty prompted ; the rest was to be decided. [Here Mr Vance called Mr Bell to order, as he was discussing a bill not before the House]. Sir, I refer to this measure because it has been brought into this discus-

sion. The administration has been charged with taking an improper interest in it ; and it has been repeatedly referred to as an instance of the extravagance of this Congress. We have been told, in this debate, that while the President scruples to appropriate money to internal improvement, he has urged the adoption of another measure, and by his influence, carried it through the House, involving an expenditure of half a million of dollars, and that, too, to further a ruinous and disgraceful policy. I consider everything I have said, or shall say upon this subject, strictly in order. When this measure was *directly* the subject of discussion, I stated that the extravagance of an administration would never be decided merely by the amount expended — that the intelligence of the country, in making up its verdict upon such a question, would look to the *propriety* of the expenditure — to the necessity which demanded the application of the public treasure ; and that praise or censure would follow as the objects to be accomplished were for good or for evil. I also then stated that, the removal of the Indians would bring more money into the Treasury by removing the incumbrance of the Indian title from the public lands, than would be drawn from it ; but enough of this now.

It has been said in the course of the debate that, the President has undertaken to decide against the will of the people, as expressed through their representatives in Congress, that appropriations shall not be made to objects

of internal improvement. The Constitution allows the veto of the President upon the will of a majority of Congress. By the course pursued in the present instance, the subject is recommitted to Congress, and an appeal will ultimately be carried before the people, who will, in their returns to the next Congress, pronounce upon the motives of the President, and approve or condemn his councils, as they shall think fit. Before that tribunal he will be arraigned, and if they shall not see the evils of the present system of appropriation in the light he does, he is willing to be prostrated in their esteem. But, sir, I do not understand the President to be opposed to internal improvement. It is the present unequal and distracting mode of appropriating the public treasure, which he has set his face against. A patriotic system of dispensing the general funds for the improvement of the country — a system which, while it professes to act for the general good, and to become a cement to the Union, shall be so, in fact; one which shall be secured against abuses by an amendment of the Constitution, is decidedly *approved* by the message. The expediency of proceeding in the system, as at present practised, is, it is true, as decidedly denied; but it is not proposed to dam up, forever, the stream from the Treasury for the beneficent purposes of internal improvement; this I do not believe the people will consent to; but it is proposed to check its flow in its present wild and unrestricted channel. It is believed

that the present burthens of the country may be greatly diminished; that manufactures may be duly encouraged, and still have a surplus in the Treasury, ample enough for the accomplishment of every desirable object of internal improvement.

The gentleman from Ohio, last up (Mr Vance), has spoken in an improper manner of the fading prospects of the west; and deprecated the idea of diminished expenditures for its benefit. I claim also to be a friend to the interests of the west — that west to which I belong by birth, and I promise that gentleman to go along with him, side by side, in asserting its claim to be regarded in the distribution of the favors of this Government — its claim to a fair portion of whatever funds shall be appropriated to internal improvement; but I differ with him as to the mode of applying them. I contend that the half million, which it would require to extend the Zanesville road through Kentucky, and to make it permanent, applied under the direction of the Legislature of that State, to various roads of smaller extent, leading from her interior, secluded and fertile districts, to the great outlets which nature has already provided for carrying off the productions of the whole west, would secure a greater actual amelioration of the condition and prospects of the people of that State, than two millions expended upon any free great road, extending quite through the State, and belonging to any great system of national improvement, executed under the waste-

ful superintendence of the General Government. I affirm that the same increased proportion of actual advantage and amelioration would attend the application of a small amount to similar objects in Ohio, or in any other western States, under the direction of the local authorities, over a large sum administered by the General Government.

Mr Sutherland said, he should vote in favor of the bill. He said Pennsylvania was the friend of internal improvements, and also the friend of General Jackson, and she would abide by both, waiting with confidence for the slow but certain process by which the system of improvements would universally prevail. The President had, in rejecting the bill, exercised only his constitutional power, and he (Mr Sutherland), and his constituents, in supporting it, were only exercising the power which the Constitution granted to them. He represented a State which was friendly to both; for in fact, Pennsylvania was the first State which had given the present Chief Magistrate an undivided support, and which was also while it had lost no confidence in its first object, being the general good of his country, friendly to the great principle of internal improvement. That such would, sooner or later, be the universal sentiment of the nation, he had no doubt the course of time and the course of human affairs would render apparent.

Mr Isacks said, he was sincerely sorry to feel it a duty he owed to himself to say a few words on this subject. From

what had of late fallen from different members, and other indications, he scarcely knew whether even he was regarded as the friend or enemy of this administration. To such as might wish to monopolize the entire support of the administration he had but little to say. This he might say perhaps, without offence, that 'he was an older (not a better) soldier' than those who had on this day, so much to his satisfaction, pronounced their eulogies upon the President. He had been longer in the service of that cause which brought the present Executive into power than many who were now far ahead of him, at least, in their own estimation.

Mr Isacks said, when he came here some seven years ago, a colleague of the President's, if members of different Houses can be called so, the Tennessee delegation, with one exception, old George Kremer, and perhaps half a dozen others, were all the political friends that could then be numbered for him in Congress. Nothing could be more grateful to him than the multiplication since. He was now, and had been ever since, to this moment, no less the devoted, personal and political friend of the President than he was then and had been before. And in vindication of his honor, his honesty, patriotism and firmness of purpose, he would, on any proper occasion, 'go as far as he that goes farthest,' and he trusted that his acts, in and out of this House, during the two last struggles for the Presidency would be taken as a sufficient guarantee for that

pledge. But on the present question he differed from the President, and what of that? We have, said Mr Isacks, differed before. During the Congress that we were representatives of Tennessee, we often differed; but there was then a class of subjects we did not differ upon. We voted together (I speak from memory, not records) on the survey bill, on the bill to subscribe stock to the Chesapeake and Delaware canal, on the bill for the construction of the road from Canton to Zanesville, in Ohio, and on the bill appropriating fifty thousand dollars to remove obstructions in the Mississippi river. I do not say, and must not be understood to mean that, by those votes, either he or I stand committed for this bill: but for myself I will say that, under the influence of opinions formed during the period in which those bills were discussed, and which opinions have never since been changed or shaken, I did, upon mature reflection, vote for this bill when it was here before; my opinion, notwithstanding the arguments by which the President's objections are so powerfully urged, remain the same, and if I live, I will vote for it again. And do I expect by that to offend the President? Not so. If it were to do it, it would prove that I am what I am, and he is not Andrew Jackson!!! I think I know the man who now fills the Executive chair well enough to be convinced that if without a change of opinion, I should feel so strongly the influence of the message as to change my vote on this bill, he would

think me a villain. I am certain he ought, under such circumstances, to despise me, as I should myself, and am sure he would. But suppose we had a Chief Magistrate capable of taking offence, and feeling resentment for honest consistency in others, I would say to him, I cannot help it; to you, Mr President, I owe no responsibilities; to none but God and my constituents do I acknowledge responsibility, and these I will discharge as I may.

My colleague (Mr Bell) anticipates the final settlement of the great question of internal improvement when the people shall decide, and their will is represented. I heartily join him in that appeal to the people, and so far as I can, will cheerfully stake the fate of internal improvement, yes, and my own fate politically, upon that issue. Will my colleague do likewise?

Mr Kennon observed that, being perfectly satisfied in his own mind that all the arguments which could be adduced would not change a single vote upon the subject, he felt himself bound to move the previous question.

The motion was agreed to by a vote of yeas 105, nays 76. So the previous question was carried.

The main question, which was the passage of the bill, the objections of the President notwithstanding, was then put, when there appeared to be yeas 96, nays 92. Two thirds of the House not agreeing to pass the bill, it was rejected.

On the 29th of May the House

proceeded to take up several other bills, which originated in the Senate, authorizing internal improvements; and as if with the view of evincing its total disregard of the opinion of the President, the House passed the following bills:

1st. One authorizing a subscription to the Washington Turnpike Company. The previous question was demanded and the bill was ordered to a third reading — yeas 81, nays 47, and passed, 74 yeas, 39 nays.

2d. A bill authorizing a subscription to the stock of the Louisville and Portland Canal Company. Here an attempt was made to delay the proceedings by demanding a call of the House; but the call was refused, 43 yeas, 91 nays. The previous question was then demanded and the bill was ordered to a third reading, 83 yeas, 52 nays, and passed, 80 yeas, 37 nays.

The act making appropriations for light-houses, improving harbors and directing surveys, &c, which had been amended in the Senate, was also called for, and various efforts were ineffectually made by the friends of the President to prevent a vote on the bill by motions to adjourn and for a call of the House. These having failed, the previous question was ordered, yeas 95, nays 44, and the amendments proposed by the Senate were put separately and passed.

On the amendment relating to the improvement of the navigation of Back Creek, in Maryland, the vote stood, yeas 76, nays 60. The amendments having all pass-

ed, the bill was sent, together with the two other bills, to the President for his approbation. The first bill being similar to the one already rejected, was returned to the Senate, where it originated, with a reference to the message rejecting the Maysville bill for his reasons. The Senate then proceeded to reconsider this bill, and on the question of its passage, notwithstanding the objections, the vote stood, yeas 21, nays 17, and the bill was rejected.

The other bills, viz. that authorizing a subscription to the Louisville Canal, and the bill for building light-houses were retained for further consideration until the next session of Congress. The manner in which they were finally disposed of must of course be reserved for a future volume. This determination of the Executive against the system of internal improvement gave great offence to many of his friends and entirely alienated some from his party.

Even in Congress such an increasing want of confidence was manifested that the decided majorities which the administration possessed in both Houses at the commencement of the session had dwindled before its close into feeble and inefficient minorities. Nor was this the only difficulty to which the President had exposed himself by his decision. In seeking to temporize and to lay down a rule satisfactory to both parties, he had assumed an unsafe position, more difficult to maintain than either of the opposite points, which he sought to

avoid, and contradictory, not only to his votes when a federal Senator, but also to bills already sanctioned by him as President. The Cumberland road, the Detroit and Chicago road were within the limits of States, while the bill for the improvement of harbors and removing obstructions in rivers was only another branch in the general system of internal improvement. That bill which was approved April 23d, appropriated for removing obstructions in the Ohio and other interior rivers \$85,474 ; for improving by piers and otherwise the harbors in the lakes \$21,607 ; for improving harbors on the Atlantic \$28,507 ; for piers and breakwaters on the Atlantic \$185,010 ; for the preservation of Plymouth beach

\$1,850 ; for deepening an inland passage between St John's and St Mary's rivers \$1,500 ; for improving the navigation of rivers on the Atlantic \$27,688.

The approval of the bill authorizing these appropriations left it still doubtful how far the President felt at liberty to assent to internal improvement bills, and of the exact extent and limits of the principles by which he intended to be governed during the residue of his administration. Some dissatisfaction was excited by the unusual course he adopted, of retaining bills until the next session, and the country looked forward with some curiosity for the further development of his views on this question, at the next session of Congress.

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## CHAPTER VIII.

### MEXICO

*Condition of Country. — Invasion from Havana. — Defeat and Capitulation of Invaders. — Revolution. — Separation of Yucatan. — Abdication of Guerrero. — Bustamente chosen.*

THE last important incident recorded in our summary of events in Mexico, for the year ending in July, 1829, was the expedition fitted out against her in the Havana, under the command of General Isidor Barradas; a circumstance which instead of inflicting injury upon the nascent liberties of the Mexicans, was for a time productive of great and important benefits. The sanguine hopes that had been entertained of permanent tranquillity and prosperity under the vigorous administration of President Guerrero, had already begun to fade away; the seeds of disease were too deeply planted, to be eradicated so easily; the finances of the country were inextricably entangled; commerce was still declining, and the revenues were necessarily diminished in proportion. The army, strengthened in power and encouraged in presumption by its agency in the late revolution, had too long indulged in license to yield quietly to the supremacy of civil rule, and but for the approach of danger

from abroad to occupy its attention and employ its energies, it is probable that anarchy would soon have triumphed over the fatal weakness of the new administration.

The hopes of the Spanish Government and the royalist party from the invading expedition were soon to be dissipated.

They had calculated largely upon the internal difficulties and dissensions of the Mexicans, and the utter impossibility of defence was strongly insisted on. The celebrated castle of St. Juan D'Ulloa was said to be in a state of dilapidation; the Mexican fleet was greatly inferior to that under the command of Commodore Laborde; and the greatest reliance was placed upon the intestine divisions of the country, and the supposed unpopularity of the Government, arising from the expulsion of the Spaniards. But if the means of resistance were feeble, those of the invaders were contemptible, and their measures the most ill-judged and unwise that ever disgraced an incompe-



tent commander. The whole number of the Spanish army was but little more than 4000; and with this inconsiderable force, they landed upon the shores of Mexico in August, a season of the year when pestilence taints every breeze. To attempt the conquest of a country through which, on account of physical impediments, it is difficult to march a body of troops even when unopposed, and in which they could rely only upon their own resources for supplies and subsistence.

The Spaniards landed at Tampico on the 27th of July; and notwithstanding the alleged weakness of the Government and lukewarmness of the people, the most vigorous preparations were promptly made for their reception. The Congress in the exercise of its unlimited prerogative, invested the President with extraordinary powers, to be retained until the danger should be at an end; and General Santa Ana at the head of about two thousand men advanced to Tuspacu, distant only 70 miles from the place of debarkation. As soon as he received information of the landing of the enemy, he hastened to meet them at Tampico where he arrived on the 19th of August.

Barradas in the meantime had marched with the greater part of his force, to attack General La Gargia, then occupying Altamira with about 3000 men, who retreated before him—but he was soon recalled from the pursuit. On the 20th of August, Santa Ana attacked the old town of Tampico, the head quarters of the Spaniards, of whom however

but a few hundreds had been left by Barradas for its defence. These, with the sick, offered a stout resistance to the efforts of the Mexicans for a time; but the disparity of numbers was too great and the remnant of the Spaniards were actually in treaty for the surrender of the place, when their General, abandoning the pursuit of La Gargia, arrived by a forced march to their assistance and Santa Ana was compelled to retire. The rest of the month of August was passed in inaction, but every day added to the distresses and difficulties of the Spaniards. The reinforcements which they expected from Cuba did not arrive; the number of the sick daily increased; and the army of Santa Ana was constantly receiving accessions of fresh troops and of artillery. The result could not be long delayed; and on the 10th of September, General Barradas surrendered upon favorable terms of capitulation. The Spaniards evacuated the citadel, and delivered up their arms, standards and ammunitions, but the officers were permitted to retain their swords; and it was agreed that until the arrival of transports from Havana, the invaders should remain at Vittoria, defraying their own expenses, and giving their parole never to return or bear arms against the Mexican republic.

The success of Santa Ana was hailed by the people with the utmost enthusiasm, and the only effect of the Spanish invasion appeared to be an increase of the power and stability of the Government, by the distinction of a

military triumph. But the gain was only temporary. The reaction of feeling, particularly among the military was powerful in the extreme, and soon resulted in another revolution, less violent ~~indeed than those which had preceded it~~, but equally effectual and far more unaccountable.

The state of Yucatan commenced by a declaration against the Federal Government and in favor of a Central Government. The immediate cause of discontent appears to have been the reluctance of Guerrero to resign the extraordinary powers with which he had been invested on the approach of the Spaniards; but it is probable that this unwillingness was only seized upon by his political opponents as a pretext for resorting to violence. Various insurrectionary movements of slight importance occurred in several of the States, of which the Vice President Bustamente is supposed to have been the principal instigator; but no serious apprehensions were entertained by Guerrero and his party until the 4th of December, 1829, the anniversary of the Yorkino revolution of the preceding year. On that day Bustamente placed himself at the head of the army of reserve, stationed in the state of Vera Cruz, issued a proclamation denouncing the abuses and usurpations of the executive, and commenced his march upon the capital to enforce the reform which he alleged to be necessary.

Santa Ana published an energetic proclamation promising to support Guerrero, but before he had reached Salapa, he received news of his overthrow.

Guerrero immediately resigned his extraordinary powers, convoked the Congress, and appealed to them for support. He then left the Capital with a small body of troops to meet the approaching enemy. His departure was the signal for the troops left in the city of Mexico to declare their adherence to the party of Bustamente, and a complete and bloodless revolution was effected on the 22d of December. General Quintanar, at the head of the troops in the Capital, made a declaration of adherence to the plan of Bustamente, urging the assembling of a council of government, and naming three persons to compose it, one of whom was the President of the Supreme Court of justice. At dawn the garrison troops peaceably occupied the citadel, the Acordada, and all the other guard posts except the Palace, from which they were fired upon for a short time, between one and two o'clock, and again from about half past five, A. M. to nine, when that also was taken, after the loss of only ten or twelve men. No disorder took place afterwards, and the shops and public walks were open the same day as usual.

The council immediately assembled, nominated Quintanar and Alaman as associates with Sr. Velez, President of the court of justice, to exercise the Government, and they began their duties that very evening. Guerrero thus placed between two enemies and suspicious of the fidelity of the small number of soldiers who still adhered to him, found himself compelled to adopt the only safe course that remained

to him, by abdicating the Presidency and returning to his estate. His example was immediately followed by Santa Ana and the other leaders of his party, and the provisional Government composed of Velez Alaman and General Quintanar, assumed the administration of affairs until the arrival of Bustamante. Perfect tranquillity was at once restored to the Capital, and General Bustamante was elected by the army as the temporary successor of Guerrero.

This latest change in the Government is remarkable for the number and variety of the different parties by whose united influence it was effected, and the difficulty of discovering the motives by which some of them can be supposed to have been actuated. Federalist and Centralist, Yorkinos and Escoceses seem to have forgotten all their animosities, and it is impossible to discern in the composition of the triumphant party, any distinctive principle by means of which the incongruities of their co-operation can be explained. Certain it is that the popularity of Guerrero was much diminished even among his own immediate partisans, and that his measures after his elevation to the Presidency, were received with but little favor by the people in general.

The rich were displeased with his decree for the abolition of slavery, which yet was productive of but little benefit to the slaves, whose condition was already but very slightly inferior to that of the citizens. The greatest discontent however prevailed among

the military, and as in all the other Mexican revolutions, the downfall of Guerrero is chiefly to be ascribed to their immediate agency. Its consequence upon the republic, were of no great importance. In fact the revolution cannot be considered as the triumph of one party over another, and not likely to be attended with any results much more striking or permanent, than a change of administration produces in this country or in England.

On the 8th of January, the following States of the Confederation had sent in their adhesion to the new order of things:—Mexico, Guanajuato, Zacatecas, Jalisco, Queretaro, Puebla, Vera Cruz and Oajaca. Bustamante had appointed the Cabinet already published; and the old ministers had returned to their homes.

The manifest published by Bustamante at Mexico on receiving the Government, is very long, and promises to conduct everything with the utmost submission to order and the Constitution, speaking of the continued exercise of the extraordinary powers by Guerrero as very improper, and of various improvements in the administration as necessary and required by the public exigences and the public wish.

The only incident of moment which appeared to grow out of the demonstration of Bustamante, was the separation of the State or province of Yucatan from the confederacy, which was declared by a Federal Act of the Provincial Legislature, signed at Merida on the 9th of November, immediately after the issuing of the

proclamation of the Vice President. And even this, it is not improbable would have taken place although perhaps not so soon, had Guerrero continued to fill the presidential chair. In fact the little importance of the ~~revolution as it is called,~~ considered with reference to its effects upon the policy and condition of the republic, is proved by the facility with which it was accomplished, and the remarkably short period in which perfect tranquillity was restored. It remains to be seen how long the Government

of Bustamente is to continue, and whether and to what extent his administration is likely to advance the interests and improve the condition of the people. Up to the present time (August, 1830) everything has gone on well and harmoniously. No incident of importance has occurred since the installation of the new President, and he is represented as popular, and as being actively and successfully engaged in the arduous task of restoring the finances, and augmenting the wealth and power of the republic.

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## CHAPTER IX.

### COLOMBIA.

*Mosquera elected President. — Castillo's project of a Constitution. — Congress convoked on January, 1830. — Attempt to introduce a Monarchy. — Revolt of Cordova. — Arrival of Bolivar at Bogota. — Resigns his office to Congress. — Message to Congress; Character of do. — Separation of Venezuela. — Causes of Discontent. — Overthrow of Government. — Negotiations. — Mosquera chosen by Congress. — Commotions at Bogota. — Constitution accepted. — Sucre assassinated. — Movements in favor of Bolivar. — Dissolution of the Government. — Bolivar reassumes the Government. — Bolivar's Death.*

THE history of Colombia during the period which falls within the history of this year is so interwoven with former events, that for the purpose of a full understanding of its political relations, it will be necessary briefly to recapitulate.

In the last volume of the Register will be found a detailed account of the manœuvres which resulted in the appointment of Bolivar as Supreme Chief of the republic. In this station he remained until the 4th of May, 1830, at which period the Constituent Congress having received his eighth and last renunciation, elected Senor Joachim Mosquera, President of Colombia.

During this last administration of the Government by Bolivar, certain facts occurred, which as having an important bearing on the subsequent history of the

country, we will now proceed to detail.

The Liberator having been invested with unlimited authority, named a council of State to assist him in the administration of the public affairs, composed of the following individuals:

Jose Maria Castillo, President of the Council,

Jose Manuel Restrepo, Secretary of the Interior,

Gen. Rafael Urdaneta, Secretary of War,

Istanislao Vergusa, Secretary of Foreign Affairs,

Nicolas Faneio, Secretary of the Treasury, and Geronimo Fornes, Joachim Mosquera, Jose Felix Valdivia, the Archbishop of Bogota, Martin Santiago of Ycusa, and Colonel Domingo Espinar, Secretaries.

Mosquera unwillingly accepted

the appointment at the urgent request of Bolivar and after three months sent in his resignation and retired.

During the first session of the council, Senor Castillo, submitted the project of a Constitution, which ~~throws some additional light upon the motives and designs of the~~ dominant party. According to this project the executive power was vested in a President without responsibility and five ministers of State to be appointed by him and responsible for all the acts of the executive.

The legislative power was to be composed of two chambers, one of senators, who were to be appointed by the President, who could remove them at pleasure, and the lower house of representatives, one to be chosen by each province.

There was also to be an executive council of State composed of the Vice President, who was to be elected by the Provinces, and the Secretaries of State and a number of deputies from the chamber of representatives. All the councillors, with the exception of Mosquera, approved of this basis. Mosquera expressed an opinion adverse to the projects founded on various reasons, of which the principal ones were, that in his judgment, allowing that the acts of the people were the expression of their free will, still they had conferred the dictatorship upon Bolivar, only until the next assembly of the national representation, and that these words were an express reserve of the right of constituting a Congress of Deputies of their own free choice. He also observed,

that the Colombians had generally manifested their opposition to a Senate subject to the pleasure of the executive, and although it would be joined by a chamber of deputies, they were few in number and utterly disproportioned to the population of the provinces.

Finally he explained the causes, which induced him to believe that if such a Constitution were given to Colombia, it would produce another revolution.

The Liberator then said, that although there was but *one* vote in opposition, the reasons advanced by Mosquera gave him great pain and he would take time to deliberate.

On the following day he declared to the council his opinion agreeing with Mosquera and the project was abandoned.

The Supreme Chief then published the organic decree of the 27th August, 1828, which was to serve as a provisional Constitution until the second of January, 1830, for which period he offered to convoke the national representation for the purpose of giving a new Constitution to the Republic.

After the termination of the war with Peru, by the treaty of peace concluded in Guayaquil on the 22d September, 1829, public attention was directed to the meeting of the constituent Congress convoked for the 2d of January, 1830, with the view of giving a complete and efficient reorganization of the republic upon a firm and permanent basis.

On arriving at this epoch, which has terminated in universal confusion, we will briefly review some of the most remarkable facts which

have thus placed Colombia on the brink of ruin and shaken her political fabric to its foundation.

During the absence of Bolivar in the South, the administration of the Government was placed in the hands of his council of Ministers.

It had before been suggested, that the most appropriate form of government for Colombia, was a Monarchy, and the present moment was seized upon to effect the change.

M. Brepon and the Duke of Montebello had just arrived at Bogota as Commissioners of the King of France, and the project was proposed to them, with the understanding that if France would render her assistance, they would propose the coronation of a French Prince.

This treasonable project was mainly supported by Gen. Rafael Urdaneta a member of the council and Istanislaio Vergusa, Secretary of Foreign Relations.

The French Commissioners merely replied that they would inform the government of the proposal, as they had no authority to act in an affair of this character, and the French Government up to this period has not interfered.

This affair constitutes one of those blots in the career of Bolivar, which the memory of his good deeds is scarcely sufficient to efface.

That Bolivar knew of the project there is no doubt, that he disapproved of it is equally true ; but his subsequent conduct clearly indicates that his disapproval was grounded not on his opposition to a monarchy but to a French monarch.

General Urdaneta wrote to Paez at Venezuela communicating to him the designs of the council of ministers, and as will presently appear, produced an excitement, which was only quieted by the separation of that ancient province from the Republic of Colombia.

Meanwhile, Jose Maria Cordova, General of division arrived from the South and placing himself at the head of some patriots in the province of Novita, raised the cry of liberty. The Governor of the province of Novita followed his example ; but the movement was partial and ineffectual.

The council of ministers, knowing the intrepidity and patriotism of Cordova had prepared themselves for the emergency. And a strong column was immediately despatched from Bogota against him, headed by General O'Leary, by whom he was defeated, and mortally wounded, not without suspicion that his wounds were not received in battle.

Bolivar, who was still in the South, and who knew full well the disposition of Cordova, received from him a letter in which he declared with frankness and energy his firm resolve to die if necessary in defence of the liberty of his country and the republican system.

The inflammatory state of Venezuela and the causes which were there preparing another revolution were equally known to him, and filled with alarm and inquietude he set out on his march for the Capital. The precarious situation of public affairs and the increasing distrust of his own motives and designs, at length determined the

Liberator again and for the last time to retire from the civil command, still however offering to sustain with his sword the Constitution which the new Congress should give to the republic.

In the department of the South, ~~the fixed~~ upon Mosquera, who was then in Papayan, having withdrawn himself from public affairs since his retirement from the office of State Councillor.

Bolivar on his march from the South visited Mosquera in Papayan and urged upon him his wish, that he would consent to become a candidate for the chair of State.

It was said, that Mosquera at first declined the dangerous honor, pleading his ill health and his repugnance to undertake so arduous a charge as that of reconciling the discordant materials of which Colombia was composed.

It certainly was a difficult matter for a single citizen to undertake to quiet the tempest then raging in the republic, and however highly we think of the patriotism and talents of Mosquera, we are disposed to question his power to have controlled the independence of the immense number of military chieftains with which the country was harassed, and which had in fact rendered it a military republic.

Bolivar arrived at Bogota on the 15th of January, 1830, and on the 26th of the same month installed the Constituent Congress of the republic.

In his message to Congress of the same date, he makes use of these remarkable words.

‘If it had not been my lot to possess the honorable advantage of calling upon you to represent the rights of the people, that in conformity with the wishes of your constituents, you might remodel our institutions, this would be the place to exhibit to you the fruit of twenty years’ exertions consecrated to the service of my country. But it is not for me to point out what all the citizens have the right to demand from you. I alone am deprived of this civic privilege, because having called you together and explained your duties, it is not permitted me in any manner to influence your counsels. It would be superfluous to repeat to the delegates of the people what Colombia has written in characters of blood. My only duty is reduced to unrestricted submission to the laws and the magistrates you may bestow upon us, and my fervent aspiration is that the will of the people may be proclaimed, respected and fulfilled by its delegates.’

After recommending in the strongest terms the necessity of naming another individual for the chair of State, he proceeds. ‘Believe me, a new magistrate is indispensable for the republic.

‘The people wish to know if I shall ever cease to command. Show yourselves, citizens, worthy of representing a free people by banishing every idea that supposes me necessary to the republic.

‘A state dependent on one man ought not to exist, and will not exist. Hear my supplications! Save the republic! Preserve my



glory, which is the glory of Colombia. Dispose of the office of President, which I respectfully resign into your hands. From this day I am no more than a citizen armed to defend my country and ready to obey its laws. Discontinue my public employments forever. I make to you a formal and solemn delivery of the supreme authority which the national suffrages have conferred upon me.'

Besides the message of the Liberator, there was presented to Congress by his order, an exposition relating to the different branches of administration, and the political circumstances of the Republic.

This document, signed by the President of the council, 25th of January, 1830, after pointing out the evils which had afflicted the republic, contains the following extraordinary expressions.

'During the last four years there have been discussions more or less warm, more or less impartial, upon the form of government suited to Colombians, and in the multitude of writings, the opinions of almost all the citizens have been expressed.'

'All without exception have manifested their desire for the establishment of a government, which shall be the firmest foundation of liberty, which shall secure individual rights, and preserve sacred the inviolability of property of every kind. In regard to the executive power alone, there are differences of opinion. Some desire a Supreme Magistrate for life, others an Hereditary Monarch, but the greater part prefer an

elective and temporal Chief Magistrate.'

It may be necessary with a view to a full and complete understanding of the important events of this year, to explain the character of the Congress to which this message was addressed. The elections were undoubtedly free and regular. The different parties exerted themselves as customary in contested elections, in favor of their respective candidates; and the contest terminated in the choice of a large majority of ancient and well tried patriots, and among the most illustrious in Colombia. Among the deputies at large, Bolivar had unquestionably a majority, embracing therein a portion of those, who were in favor of a republican system of government, and who were unwilling to believe the Liberator other than friendly to the system, which they themselves were pledged to support.

The conduct of Bolivar at this moment, when the mere expression of his opinions of a republic, would have prostrated the hopes of the agitators and gone far to have reconciled the feuds existing throughout the country, was vacillating and temporizing. He refused to continue in office, but declined the expression of his opinion as to the form of Constitution they should adopt. It is certain, had it been his wish, Bolivar might have been elected President, but the deference of that portion of his friends, who were attached to a liberal form of government and who held the balance of power, would carry them

no further, and as he persisted in his refusal to serve, they waited on another candidate. Meanwhile the long smothered flame burst forth, and Venezuela, with Paez at her head, declared herself independent of the Central Government at Bogota.

We will here briefly trace the causes which led to this result.

From the year 1821, when the Constitution of Colombia was first proclaimed, the municipality of Caraccas on taking the oath observed, that that portion of the republic had not been properly represented in the formation of that compact, and repeated manifestations of discontent were subsequently evinced by the inhabitants of Venezuela towards the government at Bogota, which excited fears, that they would think of separating from the rest of the republic. In 1826, as we have before remarked in a previous volume of this work, a revolution broke out proclaiming the federal form of government, and although the Liberator was able at that time to repress it, the fire of discord still burnt unnoticed. In the department of the South, and particularly in Quito (capital of the department of the Equator) they took the oath of allegiance to the Constitution in 1822, after having freed themselves from the Spanish sway, but expressed their unwillingness to be dependent on a Central Government resident at Bogota.

From the first, they constantly insisted, that the Constitution had been formed without their concurrence, because being at the time of its promulgation under the yoke of Spain.

The Constitution was indeed obeyed, but a jealous distrust of the government at Bogota, was evinced even in the act of rendering it obedience.

This jealousy, like that which exists in our own country, was excited and fostered as well by local parties as by the peculiar situation of the country.

The two great branches of human industry, Manufactures and Agriculture, were brought into direct collision. While the departments of the North were engaged in agricultural pursuits, the labor and wealth of the South were entirely devoted to manufactures.

Instead of mutual assistance and support, dependent as they are upon each other, the same petty jealousies, that have elsewhere been exhibited between these important branches of domestic industry prevailed there to the fullest extent, and seemed to widen the breach, which was already almost beyond repair.

The plan of the Bolivian confederation reanimated the projects of the South and of Venezuela in favor of the federal system, and was the immediate cause of the overthrow of the Constitution.

The following letter, written by General Bolivar to General Herez, who was then living at Lima as a member of the Council of State, having received his appointment as such from the Liberator, served to encourage the hopes of the dissentients.

Dec. 4, 1826.

During the eight days that I have remained in Bogota, I have been solely engaged in enforcing

upon the Vice President and Secretaries, the necessity of adopting the plan of the confederacy of the six States, and I believe that the Vice President will support it with all his influence. We have agreed not to reassemble the Congress, and to convoke a Grand Convention, when it will be easy to confirm the right of that which in fact now exists. Venezuela is in truth independent, and she will enter deeply into this plan, because torn to pieces by warm passions and by jarring interests, vacillating without a government, and full of misery as she is, she cannot but adopt it with pleasure. All the South anxiously desires it and New Grenada cannot remain isolated between two States embracing its boundaries. This letter as respects its politics, is also for General Santa Cruz and his worthy ministers, to whom you will impart these suggestions, that they may be prepared when Perez shall propose to Colombia the confederation heretofore agreed on.

The Constitution being thus overthrown, various efforts were made to restore it, and the best hopes of the people rested on the Congress of 1830.

These hopes however proved fallacious, the expectations from the Congress were destroyed by the plan of monarchy before mentioned, and Venezuela, alarmed at the prospect, declared a separation.

The 25th November, 1829, Caracas declared her separation from New Grenada, by disowning the authority of Bolivar, and all the provinces of the ancient

Captain Generalship of Venezuela followed the example.

The cause assigned, was the attempt on the part of the heads of the government to subject Venezuela to a monarch.

General Pedro B. Mendez in a letter to General Bermudez published by him, makes use of this strong expression. After describing in studied language the advantages of monarchy, he says, 'the principal question in New Grenada is, as to the best means of carrying it into effect.'

This disclosure was followed by a burst of indignation, which resounded throughout the republic, and convinced the partisans of the measure, of the difficult nature of their undertaking to deliver over the country into the hands of a foreign monarch. A representation signed by 1500 citizens of Caraccas on the 24th Dec. 1829, was sent to General Bolivar, informing him of their resolution, and concluding with these words —

'The world will investigate the causes of the misfortunes, deaths, and horrors which will ensue, and will not be deceived by the pretexts, by which they are sought to be imputed to us. We would leave open the graves of the victims, that our posterity may see the blood shed by their fathers, and the wounds which they received from the hands of those who wished to destroy their heroic patriotism.'

The news of the commotion in Venezuela and her separation from the republic, having reached Bogota, the question was at once presented to Congress; whether

force should be employed to compel a submission to the central government, or conciliating measures adopted. Bolivar proposed to Congress on the 27th of January, 1830, to go personally to treat with Paez, on the boundary line of Venezuela, in order to bring him over to the union; and to make his efforts of more avail, he recommended that Congress should by direct note authorize him to undertake the mission. After a long debate, it was resolved, to send to Venezuela commissioners authorized to treat with Paez, and instructed to present to him and the towns under his control, the basis of the Constitution framed for Colombia, according to which, the Government was to be republican, popular, representative, elective, alternative and responsible. General Antonio Jose de Sucre, Jose Maria Estenes, Bishop of Santa Marta, and Francesco Aranda, members of the same Congress, were named for this commission of peace, and it was believed, that Venezuela on understanding the basis of the new Constitution, would desist from the undertaking of separating herself from the republic and the formation of an independent State.

In the meantime the battalion of Boyaca raised the cry of liberty, disowned the authority of the liberator, and being unable to sustain itself against the forces in Magdalena, set out for Maracaibo and put itself under the command of the new government of Venezuela.

Congress meanwhile proceeded in the discussion of the project of a Constitution, recognising the

central form of government. It was feared even before its adoption, that the Constitution would be shipwrecked on one of two shoals, either that it would be necessary to sustain it by force, in order to insure its adoption by Venezuela, and expose the country to the horrors of civil war, or that it would fall through from the separation of Venezuela and the consequent want of the consent of all the States, necessary to its adoption.

The Government then existing at Bogota, sent a division under the command of General O'Leary to the dividing line of Venezuela and New Grenada to prevent the progress of the revolution in that part of Colombia which encamped in Pampluna, while the government of Venezuela, fearing an attack, on their part sent another column to the frontier of New Grenada under the command of General Santiago Marino which took up its quarters in Gaudalito. On all sides, the dread of a civil war prevailed, the prospect of which was rendered the more terrible from the fact, that the departments of the South were inclined to follow the example of Venezuela and to constitute themselves into independent States.

A confederation was proposed by some as a means of harmonizing local pretensions and preserving the national integrity, but men of influence in Bogota opposed it, and Congress rejected the measures considering themselves assembled in conformity with the fundamental law, constituting New Grenada and Venezuela into a central republic, and as therefore

invested with no other power than that of remodelling the Constitution upon the basis of a central Government.

A project was then proposed by some of the deputies, of district assemblies of the departments, with the power of deliberating in all municipal matters and of proposing to the executive the Prefects of their respective departments: which project was adopted and incorporated into the Constitution.

But the agitation was great on all sides, and Venezuela still remained unmoved. New proofs of the inflexible resolution to separate daily arrived at Bogota, and in nearly all the acts of its government and in the public papers, was manifested an inveterate aversion to Bolivar, who they supposed, was to obtain the command of the republic.

Among the population of New Grenada itself, there was evinced much sympathy with the Venezuelians, and a repugnance to the employment of force to compel a submission to the central government, and petitions were presented in the month of March to Congress from nearly all the towns of the provinces Papayan, Paste, Buoniaventura, Choes, Neiva and Pampluna, praying that war might not be declared against Venezuela and that the Federal system or confederative form of government might be adopted to preserve the integrity of Colombia.

In the province of —, another revolution broke out on the 4th of April, disowning the general government and placing itself under the protection of Venezuela.

About the middle of April the division under the command of

General Marino approached the Tachura (the river which separates the territories of New Grenada and Venezuela) and on the 21st of April the inhabitants of Cucuta proclaimed themselves independent of the central government, disavowed the authority of Bolivar, declared themselves in favor of the federal system, and asked the protection of Marino against the body of troops then in Pampluna.

This revolution occurred before the eyes of the Commissioners on the part of the Congress, who were then in Cucuta, having been prohibited by an order from Paez, from entering the territories of Venezuela.

On the part of Venezuela, Marino, Ignacio Fernandez Peira and M. Tobar were named as commissioners for the purpose of meeting the commissioners from Congress.

They met in San\*Jose de Cucuta on the line of the Tachura, on the 18th of April, and according to the protocol of the conference published in the Gazette of Colombia, the official paper signed as the only result of their meeting, the following propositions were presented by the Commissioners on the part of Venezuela.

1. That it be permitted to New Grenada\* and the departments of the South to constitute themselves freely and independently as Venezuela had done.

2. That Congress decide on the proper means to promote the foreign relations of the country and to preserve the public credit, until the representatives of the different States should agree upon the understanding to be established among them for the future.

3. That no individual who had enjoyed the executive power or had been Secretary of State should be again appointed to those offices.

4. That necessary measures should be taken for the accomplishment of what had been established in the first proposition.

5. That the constituent congresses of the three States of the North, Centre and South should fix upon ties adapted to bind them together for the future.

6. That it be permitted to the officers of the army to remove to any of the three States, and that the soldiers should be at liberty to return to their houses — and

7. That no individual, civil or military be molested on account of his political opinions up to that time.

Such was the only result of the mission of the Congress to Venezuela.

By this time General Bolivar had retired to his country seat in the vicinity of Bogota, and General Caicedo, who was then in charge of the Executive power, anxious to avoid the horrors of a civil war and a general popular commotion, in conformity with the expressed opinions of the different provinces, sent to Congress a message, which on account of its influence on public affairs, as well as the unwarrantable interference caused thereby of the British minister, whose understanding with the partisans of Bolivar was by such interference fully confirmed — we publish entire.

Bogota, April 13th, 1830.

Most excellent President  
of the Constituent Congress.

SIR — A great portion of the

Republic being in a state of commotion, it was easy to see that these movements would soon be communicated to the other towns and that the tranquillity of these also would soon be disturbed. The representation addressed by the Prefect of ———, and that of the commandant of Boyaca, which I have the honor to transmit to your Excellency, are the proofs of this fact. In such critical circumstances, and with the present precarious condition of the Government, I cannot answer for the tranquillity of the towns nor the security of the country. For some days past the Government has entertained the opinion that the labor of the Congress towards the formation of the Constitution will be fruitless; under the supposition that Venezuela is disposed to resist it with force; and if granted for the Republic it would not be adopted by all the departments.

Of what use would a Constitution be that is to be in force but for a single day? A Constitution is one of those works which should be framed only when it is expected it will be obeyed. If the contrary is the case it is better to withhold it. A grievous evil is inflicted upon the towns by accustoming them to look upon the Constitutions framed by the National Representation as mere unmeaning pieces of paper.

The Government is of opinion that the labors of Congress would be useless to the nation unless directed to the granting of an organic decree, pointing out the attributes of the supreme Government, insuring individual and social security, naming the high

functionaries in whose hands are to be placed the reins of State, and authorizing them to convoke a Convention for the purpose of deciding on the fate of these towns. Such is the general wish, such is public opinion, and such the means of remedying the evils which are not merely feared to exist, but which are, in fact, at this moment in contact with us.

The movement of a single Province may conduct us from partial revolutions to absolute disunion and anarchy. If the union with the departments of Venezuela is possible, the representatives of the two people will be able while tranquillity exists to fix upon the union, to settle their differences and to agree upon the ties to bind them for the future. But in the midst of revolutions and disorder, the people will precipitate themselves to ruin.

Having made this representation to you, I consider it my duty to declare that the measure pointed out is as urgent as it is necessary.

Please submit it to the wisdom of Congress, which, penetrated with the best desires, will undoubtedly pursue the measures best calculated to insure the tranquillity of the people and the well being of the Republic.

DOMINGO CAICEDO.

The message having been read to Congress, was referred, with the accompanying documents, to a committee, by whom, after careful deliberation, a report was made, from which we extract the following :

'In this state of affairs, the

committee do not think that Congress should occupy itself with the formation of a provisional Government for the departments of New Grenada, which might be rejected by a majority of the votes. The committee entertain the opinion that some consideration is due to the suggestions of the Executive, and that a reply should be delayed until the result of the mission of peace to Venezuela is fully known. The committee therefore have agreed to the following resolutions :

'1. *Resolved*, That before replying to the message of the Government they will wait for the result of the mission of peace, without in the meantime suspending their deliberations for the formation of a Constitution.

'2. That the Chief of the Government be invited to a conference with a special commission, that by means of mutual explanations an understanding may be effected.'

Congress, in the face of the report of the committee,

'*Resolved*, That they would reply to the acting Executive, that Congress was occupied with devising means to arrest the progress of the threatened disturbances, and that on the part of Government every effort should be made to calm the public mind, and to reestablish order by all the means in its control.'

Congress having thus determined on their reply to the message of the acting Executive, Mr Turner, Envoy Extraordinary of His Britannic Majesty, on the

19th of April, addressed a note to the Secretary of Foreign Relations, in which he says that, 'He has observed with equal regret and surprise in the Government Gazette, a copy of an official message addressed to the Congress by the Executive power of Colombia, in which was proposed the formation of a separate Government for New Grenada, and the consequent dissolution of the Republic.' After protesting against any wish to interfere with the domestic concerns of Colombia, he gives notice that, 'if such a measure is sanctioned by the Congress and carried into effect, the existing treaty between Great Britain and Colombia would become *ipso facto* annulled and the functions of the undersigned will cease.'

The Secretary of Foreign Relations replied that, 'The message of the Government of the 15th, far from having for its object the dissolution of the Republic, was intended to preserve it; and that the measures proposed were to lead to a calm deliberation on the part of ancient Venezuela and New Grenada to restore the union unfortunately interrupted.'

On the twentysecond day of April there was much alarm in Bogota on account of a supposed intention to confer anew the supreme power upon Bolivar. This arose simply from the proceedings of Colonel Diaz, who was engaged in obtaining signatures in Bogota to a petition to the Congress, having this object in view, and of other officers who were similarly engaged in several of the neighboring towns. But the attempt

was received with indignation by the people, and General Caicedo promptly resorted to vigorous measures to suppress it, appointing Urdaneta, who was the Governor of Bogota, to command the troops destined to oppose the agitators. On the 27th of April Bolivar sent a message to Congress renewing the protestations of his unwillingness to assume the chief command, and containing these expressions — 'Venezuela, to effect its separation from the Republic, has accused me of ambitious views. It will now allege that my reelection will prove an obstacle to reconciliation and that in the end the Republic must undergo either a dismemberment or a civil war. It is the duty of Congress to give to the towns of Colombia a new Magistrate, invested with powers adequate to the exigencies of the time and the vigorous administration of the laws.'

General Caicedo had ordered General Velez to take command of the division of Pampluna but the officers of the division disobeyed the mandate of the Government and refused submission to the order of Velez, having entered into an agreement to that effect on the 29th of April. This division was a source of great uneasiness to the people, as being under the control of neither of the Governments of Colombia and Venezuela. Its refusal to obey was supposed to be concerted between Montilla, who was then at Magdalena, and the other friends of Bolivar, who wished to see him resume the chief command, and this was a new motive for distrust and alarm in those whose



desire was to see quiet and the supremacy of the laws reestablished.

On the 29th of April the Congress of Colombia ratified the Constitution of the Central Republic, notwithstanding the opposition of the towns ; but to satisfy the friends of the federal system it was decreed that, in each department a district Chamber should be established with the power of directing the local and municipal affairs of the departments.

By a decree of the 11th of May, the mode of nominating and electing the Senators and Representatives was established, and by another decree of the same date, the Province of Antiochia was erected into a Department.

The most important decree, however, of this period, was that which fixed the time and manner of the publication of the Constitution.

On the 4th of May, Congress went into an election of President and Vice President of the Republic. There were three candidates, Canabal, Caicedo and Mosquera. The former was the candidate of the Bolivian party, the two latter, of the liberal and moderate party. Mosquera especially enjoyed the confidence of all parties, as a patriot of strict probity and one whose desires and actions were solely directed to the welfare of his country. Bolivar had himself expressed his preference for Mosquera, but it was understood that he had absolutely refused to accept the appointment if conferred upon him ; assigning as a reason his infirm state of

health and physical debility, produced by a long and dangerous sickness, from which he was just recovering. Canabal was considered as the candidate of the monarchical party.

On the first ballot the votes were, for Canabal 26, Mosquera 17, and Caicedo 5 — total 48.

Two thirds being necessary to a choice, and neither candidates having received that number, a second balloting was gone into. The result was, for Mosquera 27, Canabal 17 and Caicedo 5 — total 49. The third balloting was limited to the two highest candidates and the result was, for Mosquera 34, Canabal 17 — total 51. Senor Joachim Mosquera was therefore declared duly elected President of Colombia. For Vice President the votes were, for Caicedo 33, Canabal 12, Valarina 2 — total 47. General Domingo Caicedo was therefore declared elected Vice President. This result was mainly attributable to that portion of the representation who, entertaining a preference for Bolivar and an ardent attachment for his services, were opposed however to the doctrines advanced by some of his partisans ; a concurrence in which had already diminished the otherwise deserved popularity of the Liberator and placed the Republic on the verge of ruin. Bolivar, in a message to Congress, congratulated them on the result, and on having chosen for the first offices of the Republic men who had deservedly obtained the esteem and confidence of the nation ; and afterwards in replying to an address made to him at Cartagena on

the eve of his intended departure for Europe, by the Prefect of that Department, made use of expressions highly complimentary to Mosquera, describing him as a man 'adorned with all the civic virtues, whose administration would effect the re-establishment of the laws which he had studied with distinguished reputation.'

The last act of the Congress was the enactment of a decree tendering the gratitude and homage of the Republic to Bolivar, and bestowing upon him a pension of thirty thousand dollars per annum for life, commencing at the period of his retirement from office. The Congress then adjourned, and by that act took from Mosquera the power of declining the Presidency, as was his intention, which by the Constitution could only be done in the presence of the Congress. By a communication, dated the 14th of May, the President elect adverted to this fact, stating that he should have resigned had the Congress been in session to receive his resignation, believing himself inadequate, both physically and morally, to the duties of the office. As it was, however, he thought himself bound to undertake it in obedience to the will of the people, and promised to devote his best energies to the promotion of the public good.

The time was prolific of difficulties and troubles; and the very commencement of Mosquera's administration was signalized by commotion. The battalion which at that time formed the garrison of Bogota, commanded by Colonels Maguerra and Cas-

telli, on the 7th of May, arrested those officers, placed themselves under the orders of General Porto Carrero and demanded of the Vice President, who was at that time Governor of the Province, their arrears of pay, amounting to seventy thousand dollars and money to defray their expenses to Venezuela, of which Province they were natives. It was said at the time and has since been repeated, that Porto Carrero was the instigator of this mutiny, and that he was actuated by a feeling of dissatisfaction because Bolivar was no longer in power; and the assertion has been in some degree confirmed by his subsequent conduct in uniting himself to Bolivar, with whom he continued until the death of that remarkable man.

The Vice President, having no troops under his control, was obliged to temporize, and sent to Bolivar, requesting his intercession with Porto Carrero, who had declared that he would obey no commands but such as should emanate from him. The Liberator declined to interfere, and the Vice President thus left to his own resources, succeeded in raising a body of about five hundred troops, which he placed under the command of General Urdaneta, and eventually quelled the insurrection without resorting to arms, partly by the demonstration of his power to resist their demands and partly by promises and the distribution of some money. The mutineers dispersed and joined the various bodies of soldiers that were collected in different Provinces; many of which gave strong manifestations of a disposition to

renew and increase the distractions that had so long embarrassed the Government and oppressed the people. In Venezuela in particular and in New Grenada, there were numerous chieftains, whose designs it was difficult to penetrate, but whose conduct was such as to excite suspicion and uneasiness in the minds of those who desired to see order and stability restored to the Government and the people. And it was apparent that the task which Mosquera, by his acceptance of the Presidential authority, had undertaken to accomplish, would prove extremely arduous.

On the 30th of April the Congress of Venezuela met in Valencia, and on the same day received from Paez a congratulatory message, in which he manifested the most favorable opinion of the re-establishment of public order and the advancement of the happiness of Venezuela.

The progress of public opinion in favor of the federal system, was still permanent and increasing. On the 13th of May, Quito, the most populous city of Colombia, and the capital of the department of the Equator, declared itself in favor of this system, and its example was followed by Guayaquil and Azuai, the other departments of the south.

General Flores, who was in command of the departments of the south, lent them his assistance, and was appointed interior chief of those departments, until the meeting of Congress to constitute them into a separate state, and the formation of a federal form of government. This movement in

Quito occurred before the result of the deliberations of Congress on the subject of the Constitution was known, and seems to exhibit the strong opposition existing throughout the country to a central government. A letter from Bolivar announcing his intention of embarking for Europe, had a powerful influence on the conduct of Flores. Flores knew the sentiments of the people of the south — that they were opposed to a central form of government, and that it would be impossible to obtain for it support, without the effusion of much blood, and a civil war with Venezuela. The letter of Bolivar, freeing him from the trammels of previous engagements, left him at liberty to pursue the course his inclination dictated, and he yielded to the popular impulse of the country in which he was, and in which his interests were identified by marriage with a young lady of one of the most distinguished families in Quito.

We come now to the conduct of Bolivar during this critical period of public affairs. After his retirement from the supreme command, he had, as we have before mentioned, taken up his residence at his country seat near Carthage-na, and was understood to be preparing for his departure to Europe. Whether this was seriously his intention must remain matter of conjecture. The letter to Flores seems to prove it was, and another fact confirms us in this impression. Colonel Whittle was in garrison at Papayan with the battalion of Vargas. He was a devoted friend of Bolivar, having saved his life in the conspiracy of

the 25th of Sept. 1829, and was considered among his warmest partisans. This officer also received a letter from Bolivar<sup>9</sup>, informing him of his intention to leave the country, and inviting him to accompany him, if it was his wish to leave Colombia. An understanding was immediately effected between Colonel Whittle and General Flores in regard to the popular movements, and a warm and efficient support was yielded by these officers to the federal cause. It seems unlikely that Bolivar should have thus influenced his friends to submit themselves to the new order of things, if it had been his intention to have remained in the country and resumed the supreme command. We believe it was his own wish and serious intention to have departed, and thereby relieved his country from the distraction caused by his presence. In this intention, Bolivar was actuated by an anxious wish to preserve the glories attached to his name; and it is to be regretted, that he should have yielded his better judgment to the desires of Mantilla and other partisan chieftains, who feared, with his departure a destruction of their own undeserved power.

Mosquera arrived at Bogota on the 12th of June and was received by all parties with enthusiasm. On the next day he swore to the Constitution and entered upon the duties of his office. His first public act was a proclamation or message, explaining his views and the principles which governed him during the short period of his administration. It was in these words:—

‘Joaquim Mosquera, President of the Republic of Colombia, to his fellow countrymen—

COLOMBIANS—The grand drama which we represent, is not for ourselves alone, but for all South America—a favorable opportunity is now presented to you of setting a great example of morality and virtue in the regeneration of Colombia—the destruction of anarchy, and the foundation of a government of laws, the only remedy against popular passions and the sole hope of liberty.

The Constituent Congress has afforded you the legal means of expressing the national will, through the medium of deputies of your own free choice.

The Liberator of Colombia has retired from among us, to calm the jealous friends of liberty, concealing his laurels, and removing every pretext for disorder.

In this important crisis, the representatives of the people have entrusted me with the provisional administration of the republic conformably to the Constitution to which I have this day sworn, and this is the point of contact which they have fixed on, by which we may procure a general concert for the salvation of Colombia from the dissolution which threatens her. I invoke my country and liberty to obtain your hearing.—Pure love of my country is the sacred torch which guides me, and you may ask all from a man like myself, taken suddenly from private life to be the sacred minister of your will. Express it then, as your honor, your glory, and the national interest command,

and the good of our country will be your work.

Citizens of all opinions, unite for the interest of our country.—The true friends of liberty are not those who seek for a constant necessity of change—let there be no new revolutions; and let the one already begun, be concluded. Colombians, we have yet time to preserve our glory and our political existence—let us give an example of order to the new states of our continent, and prove to our detractors, that we are not immoral men and not unworthy of being free.

JOAQUIM MOSQUERA.

Bogota, 13th June, 1830.

The Vice President, who had conducted the affairs of the government until the arrival of Mosquera, had made no change of ministry, but had retained in office all those who had filled the various departments of state under Bolivar; and Mosquera confirmed their appointments. They were Vicente Borrero, minister of foreign affairs; Alexandro Qsoris, of the interior; Jose Gracio Masquez, of finances, and General Joaquim Paris, of war. The following persons composed the Council of State. The archbishop of Bogota, Don Felix Restrepo, General Jose Maria Ortega, Juan Fernandez, Soto Mayor, Manuel Benito Revallo, Modesto Lannea, Vicente Alvarez, Jose Joachim Almedo, Vicente Asuero, Diego Fernando Gomez, General Jose Fabrega, and Vicente Borrero, all sound patriots, and eminent for probity and talent.

The treasury was at this time completely exhausted and the government was moreover largely indebted to individuals, who had made loans to enable it to carry on its affairs. By the Constitution the executive was prohibited from making loans, decreeing contributions, or establishing new imposts; and it therefore became at once a serious question, how the expenses of the state were to be provided for. The utmost that Mosquera and his ministers could do, was to watch vigilantly over the expenditures, and to take the most vigorous and prudent measures to repress and prevent abuses and misapplications of the public money, which had existed to an alarming extent, and had in fact occasioned the want of means by which the new government was so much embarrassed. The President himself received no compensation for his services, and he exerted himself to the utmost to induce all the other officers of state and public functionaries, to limit their demands upon the finances of the republic to the smallest possible amount.

In the meantime, in the department of New Grenada, the Constitution was sworn to in most of the provinces, though with some opposition; and the people of those districts which refused to adopt the Constitution, were yet willing to support the government of Mosquera. On his part, he gave the discontented to understand, that unless the Constitution were respected, he would not be President; and sent commissioners to the various districts in

which opposition was manifested, to induce the people to follow the general example ; and the efforts of his emissaries were in general crowned with success. Mosquera then directed his attention to the departments of Venezuela and the South, where the dissent of the people was more resolute and more general.

The province of Casanare, on the borders of Venezuela, following the impulse of the revolution, had declared in favor of Venezuela, and had requested to be received as a component part of that state. The Congress of Venezuela had refused to admit this province, from a desire to preserve the friendship of New Grenada, and had offered to the government of New Grenada its good offices, to bring back this refractory province, by persuasive and indulgent measures, manifesting also its hopes that its adhesion would be easily obtained, after the fears caused by its separation should have disappeared by the establishment of a Constitution.

In the month of June, General Sucre was assassinated in the wood of Benuccos near Pasta, on his way to Quito from the constituent Congress, of which he was a member. Pasta in 1822 had declared for old Spain. Sucre had received intimations from his friends that a plan for his assassination had been laid in Pasta, but he took no precautions to prevent it. His death was attributed to the liberal party, but it is more probable, that the assassination was the act of some of the people of Pasta, among whom he had many enemies, and whom he

had deeply incensed in 1822, when he took the place by assault and delivered it up to pillage.— Suspicion also fell upon Generals Ovando and Lopez, between whom and Sucre, hostility had for some time existed ; but there is no proof of their guilt, and the act still remains a mystery.

The President Mosquera made great and strenuous efforts to detect and punish the assassins, but without success. Symptoms of revolt, or rather of disunion, had for some time past exhibited themselves in Venezuela and the department of the Equator. In the former, General Paez held the supreme command, and General Flores in the latter ; and the movements of these officers indicated great reluctance on their part to the adoption of a Constitution and mode of government, which must necessarily have the effect of diminishing their authority and restraining their influence. Flores in particular appeared strongly inclined to erect his department into an independent state, of which he should be the head ; and it was, not without reason, supposed that Paez was well disposed to imitate his example, should his undertaking prove successful. Mosquera exerted himself to the utmost to induce Flores to lay aside his design, and it is not improbable that he would have succeeded, if his administration had not in the meantime been so suddenly brought to its conclusion. In Venezuela, the repugnance of the people to the central system of government was extreme ; and this feeling was very strongly displayed at the

meeting of the Congress of the department in July. The suspicions of the Venezuelans were also at this time, strongly excited against Bolivar, who was still at Carthagena, having apparently abandoned his design of visiting Europe, and who was vehemently suspected of an intention to assume once more, either by intrigue or violence, the supreme authority. Events appeared to justify their doubts of the integrity and intentions of the Liberator. Early in June several insurrectionary movements had been made in various parts of Venezuela, in all of which Bolivar was proclaimed, and the intention of the insurgents to restore him to the head of affairs was openly avowed; but by the energetic movements of the government, these attempts were suppressed without difficulty. But all these alarms had the effect of increasing the repugnance of the people to the constitutional or central system, which had originated with Bolivar, and of making them more than ever desirous of a separate independence. In the meantime troubles began to break out in the centre of the republic; in Bogota, movements in favor of Bolivar had taken place, and the military were dissatisfied with the pacific and moderate administration of Mosquera. But little confidence could be placed in any of the generals; and the government, without money, and doubtful of the fidelity of its military agents, had no support except the unarmed people, who desired nothing more than peace, tranquillity and security. In August, symptoms

of rebellion broke out in the capital itself, which were with difficulty suppressed by the prudence and firmness of Mosquera. In August an alarming conspiracy broke out in the battalions of Boyaca and Callao, under the command of colonels Castelli and Simepes, who approached within two leagues of the capital, where there was not at the time a force sufficient to oppose them. Mosquera was extremely anxious to avoid bloodshed, and for that reason earnestly endeavored to prevail upon the insurgents to withdraw, and resume their duties. Negotiations were entered into between Urdaneta on the part of the government, and Castelli as the spokesman of the rebels, and continued through the greater part of the month; the demands of the conspirators were principally directed towards a change of the ministry; but it was obvious that their real intentions were to subvert the government and usurp the supreme authority. Mosquera and his counsellors resorted to every measure of conciliation that was consistent with the safety and dignity of the government, but without effect; and at last it became necessary to resort to arms. On the 26th, a column of the best troops in the capital, under the command of Colonel Garcia, advanced to meet the rebels, whom they encountered at a place called the Sanctuary, three leagues from the capital, where they were strongly entrenched. The attack was unfortunate in its results; the government troops were defeated with great slaughter; and the insurgents flushed with success,

marched upon the city, with the avowed intention of taking it by storm. The number of troops remaining in the capital was but 600, and of these nearly 400 deserted or fled at the approach of the enemy. But two courses were left to the President; either to give up the city to the horrors of an assault, or to submit to necessity, and capitulate at once. He determined upon the latter and appointed commissioners to treat with the insurgents for such terms of surrender as should secure to the citizens their lives and property. On the 28th, the conquerors entered the city without committing any excesses, and Mosquera, looking upon their success as the triumph of a military faction, with which the civil power of the state was unable to contend, assembled the council on the 29th and declared the government dissolved.

The council earnestly advised and entreated the President to retain his authority, and continue to fulfil the duties of his exalted station; and Mosquera, though with great reluctance, consented to follow their advice, at least, until it could be ascertained what were the wishes of the people. Urdaneta, whose military reputation gave him some influence with the conquerors, was appointed Secretary of War in the place of General Paris, (who had retired on account of sickness) and was instructed to ascertain the sentiments of the soldiery, and their disposition to obey the existing government. On the 4th of September Urdaneta reported that the troops had represented to him

their unwillingness to submit to the authority of any government but that of Bolivar, whose recall to the head of the republic, they stated to be the wish of the people as well as of themselves. The report of Urdaneta was confirmed by Simenes the leader of the prevailing party, and Mosquera was distinctly given to understand, that nothing short of the reassumption of supreme power by the Liberator, would satisfy them. On the same day, Mosquera finding that no alternative was left to him, resigned; and General Urdaneta was appointed temporary President, until the arrival of Bolivar, whose recall to power was decreed by a meeting of some of the soldiers and citizens.

On the 7th of September, Urdaneta wrote to Bolivar, informing him of what had taken place at Bogota, and calling upon him in the strongest terms to come and take charge of the government.

Bolivar consented to comply with the call of the people, and to take upon himself the office of the government, declaring, however, that it should be only until new elections could take place, when he should return once more to private life, from which nothing but the wishes of his fellow citizens could have induced him to remove.

On the 17th December, 1830, died General Simon Bolivar, the Liberator of South America. His character and services we shall hereafter fully examine; our present purpose is with the closing scene. Had Bolivar adher-



ed to his original purpose of leaving Colombia, his life might have been spared — his fame certainly — as it was, he died the chief of a party, in arms against the constitutional government of his country.

His death occurred at Carthagena at his country seat, where he had resided since his resignation of the supreme command. Every respect was paid to his memory, and funeral processions were had in almost every town in the republic. His last proclamation to his countrymen evinced the most noble sentiments of patriotism, and it is deeply to be lamented that with the expulsion of Spanish power, and the formation of a free constitution, Bolivar, like our own Washington, had not at

once retired to the shades of private life.

His will exhibits, what none ever doubted, his total disregard of fortune. Men like Bolivar are seldom governed by pecuniary motives, and it would have been far better for his country, if his disinterestedness had been equally exhibited, in his disregard of the temptations of power.

That we may form some idea of the state of parties of Colombia, we subjoin a statistical account of the population of the different Provinces and Departments of Colombia — considering as liberals, all who opposed themselves to the usurpation of Urdaneta, after the overthrow of the administration of Mosquera.

# POPULATION.

243

Departments.	Provinces.	Population.	Liberals.	Under Urdaneta.	Under Espinar.
Orinoco.	Cumana.	70,000	175,000		
	Guayana.	45,000			
	Barcelona.	45,000			
	Margarita.	15,000			
Venezuela.	Caraccas.	350,000	350,000		
	Carabobo.				
Sulia.	Maracaibo.	48,700	162,100		
	Coro.	30,000			
	Merida.	50,000			
	Frugillo.	33,400			
Apure.	Barinas.	80,000	80,000		
	Apure.				
These four Departments formerly comprised ancient Venezuela, and now comprise the state of Venezuela.			767,100		
Equator.	Pichincha.	255,000			
	Truvabura.				
	Chimborazo.				
Guayaquil.	Guayaquil.	90,000			
	Manabi.				
Asuai.	Cuenca.	78,000	175,000		
	Loja.	48,000			
	Taen.	49,000			
These three Departments are those of the south, and are now constituted as a State under the name of the Equator.			520,000		
Cauca, since added to the Equator.	Popayan.	156,000	721,000	22,000	
	Buenar Entura.	15,000			
	Pasta.	30,000			
	Choco				
Cundinamarca		721,000	371,000		
	Bogota.	172,000			
	Antioquia.	104,000			
	Maxiquinta.	45,000			
	Nciva.	50,000			
Bogara.	Funga.	200,000	425,000		
	Socarro.	150,000			
	Pamplona.	75,000			
Ystmo.	Casanare.	12,000	12,000		90,000
	Panama.	50,000			
	Veragua.	40,000			
Magdalena.	Cartagena.	100,000		239,300	
	Santa Marta.	62,000			
	Mompur.	70,000			
	Rio.	7,000			
			1,507,100	1,057,300	90,000

It appears from the foregoing, that the population under the sway of Urdaneta, consisted of 1,057,300 souls.

The population of the provinces which had separated from the central government, amounted to 1,507,100 souls. In addition is the population of the Isthmus under the administration of Espinar, which had declared itself in favor of Bolivar, and was equally opposed to Urdaneta and the liberal states, amounting to 90,000.

President Mosquera, after resigning his authority, sailed for the United States, where he at present remains.

## CHAPTER 'XIV.

### BUENOS AYRES.

*Condition of Country. — Civil War. — Retreat of Rosas. — New Government. — Pacification. — Viamont elected Governor. — Proceedings concerning Dorrego's Execution. — Rosas elected Governor. — New Disturbances. — Quiroga defeated. — Invasion of Cuyo. — Meeting of Legislature. — Condition of Country. — Monte Video.*

THE history of the Argentine Republics was brought down in a previous volume of this Register, to the preliminaries of peace agreed upon on the 24th of June, in 1829, between the province of Buenos Ayres and those of the interior: General Lavalle being then self-constituted Provincial Governor of the former, and commander of its forces. The task of pacifying the interior was assigned to General Rosas. A brief narration of the events which subsequently happened, during the period of time comprehended in the present volume, is necessary to the execution of its plan. A more uninteresting detail, however, can scarcely be found in the annals of any nation, civilized or savage. The only historical lesson taught by it, is, that a country cannot be tranquil, whose destinies are confided to ambitious military chiefs; and the only result of these events has been, that

Buenos Ayres and the formerly confederated provinces are in but a very little better condition now, as to the sound action of the government and laws, their social and moral improvement, and the regular operations of industry, than they were at the time to which we last brought up the record. General history will find little or no room for the particulars.

We must refer back a little in point of time, to preserve the chain of the narration. General Paz was at the head of the Unitarian party, opposed to the federalists of Cordova and Santa Fé, and had taken possession of the former city, from which Bustos retired on his approach, with about 800 men. Paz pursued him for some distance and returned. Bustos rallied his forces, and having joined General Quiroga, made his appearance again, with a force of 5000 men. Paz did not wait for a siege, but went out

to meet the enemy, and some severe fighting ensued, on the 22d and 23d of June, which ended in the total rout of the federalists; fifteen hundred of them being either killed or captured.

The news of this victory produced great sensation in the city of Buenos Ayres. By the Convention of the 24th of June, representatives for the Provincial Congress were to be elected with all convenient speed, and that body was to organize a permanent Government; on the formation of which, Lavalle and Rosas were to lay down their temporary authority. The hopes and pretensions of the Unitarians increased; and at the election held on the 26th July, Lavalle, by his influence, and the bayonets he commanded, carried everything his own way. Rosas saw, in the results of the election, no security for the fulfilment of the terms on which he had insisted on the 24th June, and withdrew with his troops to the distance of twenty miles from the city. His attitude was too formidable not to be respected; and new negotiations were commenced. To refer to the events in the order of their dates, on the 3d of August Lavalle issued a proclamation, stating that Government was determined to maintain the preservation of peace, and assuring the citizens that a renewal of civil war was not to be dreaded. The interior provinces, were, however, at that moment in a very unsettled state. On the 7th he announced the formation of an entirely new Cabinet. Manuel I. Garcia was appointed Secretary

of the Treasury; Thomas Guido, Secretary of State and of Foreign Relations; Manuel Escalada, Secretary of War and Marine (which office had been held by Rosas, under Dorrego) and I. A. Gelli, Minister of Police. Another proclamation promising security and tranquillity followed. On the 8th Rosas dismissed the several bodies of Indians who had acted under him, to their respective territories.

The language of the new ministers was of an encouraging character, though the Secretary of State candidly declared that, 'in a field covered with ruins, it would be difficult to avoid stumbling.'

By a new convention between Lavalle and Rosas, on the 24th, the elections of July 26th were declared void; and by an arrangement unintelligible to citizens who live under a pure democracy, General Juan Jose Viamont, an ancient officer of the corps of Patricios, and who had not meddled in these civil feuds, was placed provisionally at the head of the Government of the Province; in war to be assisted by a council of twentyfour, a *senado consultativo*, selected from the most respectable owners of real estate, merchants and ecclesiastics.

Solemn *Te Deum* was celebrated at the Cathedral, for the termination of civil war. Congratulations on the return of peace were received from every quarter. The French Consul returned from Montevideo and resumed his functions. Lavalle was appointed by the new Governor

Commander-in-chief of the cavalry troops of the line, and accepted the office. He shortly afterwards retired to Montevideo. Orders were issued prohibiting the use of fire-arms by citizens not in the municipal service. The prisoners who had been sent to Balina Blanca in the preceding March were set at liberty, and returned to the capital. So that in Buenos Ayres Proper and in Santa Fe, to which Provinces *alone the new arrangement related*, quiet was considered as being fairly established.

The deficit in the revenue of 1828 was ascertained to have been more than thirteen millions, while the amount collected during the same period was less than four. The Governor was inducted into office on the 28th August. The installation of the *senado consultativo* took place on the 16th of September. Seventeen of the twentyfour members chosen were considered Federalists. It was hoped that Viamout, being a moderate man, would mediate between the parties; and in his inaugural proclamation, he declared his intention to bury past political feuds in oblivion, and to punish with all the severity of the laws, those who should violate them, or raise the cry of sedition.

The ministers before mentioned, and whom he retained, were also understood to be Federalists, but moderate men in their views and feelings.

Some clouds hung over the initiation of the new Government into its functions. Several of the members of the consultative Senate did not attend, and others,

under various pretexts resigned their places. This circumstance, together with another equally suspicious, which was, that the sittings were strictly private, diminished the public confidence in the stability of the new Government. The Council, however, elected a President and Vice President, and adopted measures in relation to the revenue, and the protection of the frontiers against the Indians. *Their legislation had some effect in both instances, for the moment; as the value of ounces fell in the stock market from \$120 to \$92; and apprehensions from the incursions of the Indians were quieted by the organization of what was deemed a sufficient force, under General Paduco.* The Secretary of State, wisely, at this period, besought the new Bishop of the Diocese of Santa Fe, to relieve the country from the inconvenience of the innumerable holidays, with which ecclesiastical shrewdness gratified constitutional laziness in Catholic South America, and makes idleness a work of holiness. We do not learn that the Bishop complied even nominally, with the request; and the evil still exists, and will exist, until the removal of the final cause.

An interesting communication was received about this time from the widow of the murdered Dorrego. The honor of representatives at a former period, had voted one hundred thousand dollars to him for the services he had rendered his country; and the existing Government honestly or from policy, being desirous of not participating in any of the stain of his execution, decreed the pay-

ment of stock to that amount, to his widow. She informed them that in the few hours between the intimation of his sentence and its being carried into effect, he had thought of his country and of the gallant army just returned from the Brazilian campaign ; and had enjoined it upon her to put one third of the amount voted to him, at the disposal of the Government. The offer, however, was declined.

Acting further on this generous or politic principle, the Government passed a decree on the 29th October, directing the remains of Dorrego to be conveyed from the church of Navarro, where they had been deposited, to the cemetery north of the city of Buenos Ayres, where a monument was ordered to be erected to his memory. The removal and interment took place in December following with great pomp and ceremony, and nothing seemed wanting to the only atonement which could then be made, but the immolation of Lavalle to the manes.

A treaty of friendship and alliance, between the Provinces of Buenos Ayres and Santa Fe was ratified in October. Rosas and Lopez, the Governor of Santa Fe, were sworn friends. The treaty bound them to mutual protection against their neighbors, provided for the reimbursement of the expenses of the army under Rosas and authorized the Government of Buenos Ayres to transact all foreign affairs with European and American States. The Government of Santa Fe promised to procure the consent of the two

Provinces of Entre-rios and Corrientes, not only to obtain equal authorization in favor of the Government of Buenos Ayres, but also that they might be allied together by express compacts, and form one cause with the Province of Buenos Ayres, conforming themselves to its political and constitutional principles. The appearance of affairs thus continued to grow better. Justice obtained some of its legitimate victims, who had been guilty of assassinations. The foreign ministers resident in the city partook in festivities with those of the Government. A decree, however, prohibiting, under severe penalties, the publication of any remarks concerning the conventions of June 24th and August 24th, indicated a sense of insecurity.

On the 6th of December, Rosas was elected Governor and Captain General of the province of Buenos Ayres, by the House of Representatives, receiving thirty-two votes ; there being only one against him. A Lieutenant Colonel, named Smith, had made an unsuccessful attempt to persuade the officers and men of his regiment to revolt, and join Paz in Cordova. The alarm created by the rumor of this transaction seems to have been the pretext for investing the new Governor with extraordinary powers. He was installed on the 8th of December, and issued proclamations to the citizens, to the army and navy, and to the militia. He retained Guido and Garcia in their respective appointments, and appointed I. R. Balcarce minister of war. He issued circulars to

the Governors of all the provinces, urging the importance of reunion, by every consideration of wisdom and policy. He alluded among other things to 'the severe neutrality of the first republic of this continent; and stated that a war of twenty years with Spain had not been sufficient to secure the political independence of the Argentine states; nor could it be secured without a strict federation. Rosas was considered a bigot, and the House of Representatives seemed disposed to favor his views by resolutions against the extent to which freedom of religious opinion and worship had been previously tolerated in Buenos Ayres. The Governor was also solicited to open a correspondence with the Pope. The Press was put under most rigid restraints; and the accounts which the journals furnish of passing events, are of course meagre and delusive.

The majority of the people of Cordova, from inclination or fear, submitted to Paz, the usurping Governor, who was at this time at the head of 4000 men, most of whom belonged to the militia. — The province was in a wretched condition however, "disturbed by the insurgent peasantry, with whom frequent skirmishes took place. A convention between this province and that of Buenos Ayres was published in January. A mutual co-operation against foreign invasion was agreed upon; and an alliance offensive and defensive, against the Indians, was entered into. The government of Buenos Ayres was also authorized, as it had been at the convention with Santa Fe, to transact

the business of the province in its foreign relations. The two governments invited those of the other provinces to convoke assemblies for the organization of the nation, as soon as internal troubles should have been quieted. But this consummation was far from being at hand. Quiroga had taken the field against Paz; and the latter availed himself, perfidiously, as is alleged, of an improper opportunity, to cut up the forces of his antagonist. Commissioners from Buenos Ayres, despatched to effect a pacification of the disturbances, according to the terms of the convention above referred to, were in Quiroga's camp, on the plains of Laguna Larga. He expected of course no immediate assault. His force consisted of 2300 men. On the 25th of February Paz came upon him by surprise, with 3200, and, after six hours' engagement, 1000 men were killed or missing, and all the baggage, infantry, and artillery of Quiroga, were captured. His cavalry was dispersed, and he betook himself to Buenos Ayres, where he was well received by the government party. Indignation was generally felt at the conduct of Paz, and a rupture with Cordova was anticipated.

The Unitarians however exulted in the success of Paz. It has been mentioned that Lavalle retired to Montevideo. He sent in his resignation as commander in chief of the cavalry, in no very respectful terms. Most of his party, on the establishment of Rosas in the government, left the city in disgust. They complained loudly of the weakness of the

administration. Instead of ordering the election of a new legislature, the government had reinstated the old one, whose acts had been specially displeasing to the Unitarians. The funeral honors decreed to Dorrego, the re-establishment of intercourse with the Pope, and the legislative suppression of all writings printed during Lavalley's continuance in power, criticising the acts of the now dominant party, were all equally offensive to that which had been ejected from power. Many of them, in consequence, joined Paz in Cordova.

Some of their complaints seem not to have been unfounded. — Rosas certainly carried it with a high hand, in relation to them. — By a decree, dated March 13th, it was declared that 'Every person who might be publicly considered as author, abettor or accomplice of the affair of December 1st, 1828, (the date of Lavalley's usurpation) or any of the outrages committed against the laws by the intrusive government, and who had not given and should not thenceforward give unequivocal proof that they viewed such proceedings with abomination, should be punished as guilty of rebellion.' — And the decree went on to enact, that 'All persons who either by word or writing, or in any other manner, should manifest themselves in favor of the said meeting of December 16th, or any of the aforesaid outrages, should be equally punished.' Despotism cannot go farther than to attempt a suppression of the privilege of speech; and despotism itself cannot effect it.

In reply to a communication from Paz, giving an account of his defeating Quiroga, in which the blame was of course laid on the latter, an answer was despatched on the 16th March by the Buenos Ayrean government. The efforts it had made to prevent the further effusion of blood, and the expectations it had cherished from the mission of the commissioners, charged to mediate between all parties, were set forth; and the hope was expressed that the affair of the 25th February might be the last, in which Argentine blood would be shed by fraternal hands.

The hopes of the Unitarians generally became stronger. Several of the interior provinces were understood to be in their favor. — Santa Fe, however, remained faithful to the convention; and Corrientes, Entre Rios and others, were relied upon by the party in power. Paz followed up his victory, by despatching a part of his forces against the province of Cuyo. Their commander, Castillo, occupied the fortress of San Luis without difficulty, making its governor and garrison prisoners. He was moving on Mendoza, when he was met by a deputation of the government of the province. A treaty of peace was set on foot, but its ratification was interrupted. The Governor retreated with the forces he had at command, amounting to 700 men. A new governor was named; but a large number of the inhabitants not feeling safe in any event, attempted to escape into Chili. Many were interrupted at the passes of the



Cordilleras, by a detachment of troops, and made prisoners.

The Chamber of Representatives met pursuant to adjournment in Buenos Ayres, on the 3d of May. The Governor informed them, that, during their brief recess, the foreign relations of the country had remained *in statu quo*; that though the government had vainly used every effort to prevent the effusion of blood in Cordova and Cuyo, its zeal was not diminished for the attainment of peace, nor would its exertions be relaxed. As to the revenue, it was frankly admitted, that very great sacrifices must be made to put the credit of the country on any tolerable footing. The depreciation of the despised currency paralyzed industry, and menaced the community at large with hopeless distress and embarrassment.

The Chambers passed a law prohibiting the exportation of coin and bullion, which had a partial effect in lowering the difference of exchange. The actual value of the currency of the country, at this time, may be estimated from the fact, that flour of inferior quality was sold at \$70 the barrel. — Higher duties were laid on several of the most important articles of importation. Trade, notwithstanding, continued in a most languishing condition, and very few American vessels visited the port. The Governor made a tour in the interior, for the purpose of inspecting the state of the country. Deputies were appointed by the provinces of Buenos Ayres, Entre Rios,

Corrientes and Santa Fe, to settle definite terms of peace and alliance between them, and strong hopes were entertained of their successful negotiation. New troubles and rumors of insurrections, however, arose, which induced the legislature on the 21st of July, again to invest the Governor with extraordinary powers, to continue during the existence of the crisis. Corbolan, the ex-governor of Mendoza, made an attempt to retake that city, and his force was entirely cut up by the Indians. He was slain, with nearly all his principal officers. But we have reached the limits assigned to the present barren record. — Since the memorable July of this year, the attention of the world has been occupied with far more important events than the comparatively petty affairs of the Argentine provinces. We cannot but hope, however, that the influence of these events may be salutary as regards them; and that in the general advancement of the cause of freedom, they may become enlightened enough, not only to understand but to act upon the principles, that in union alone there is strength, and that civil liberty cannot be enjoyed under the sway of priests and generals. In the state of Monte Video, during the period we have passed over, Rondeau the Governor, was deposed by a movement excited by his improper trafficking with ambitious men. A new constitution was adopted, which was guaranteed by Buenos Ayres and Brazil, and was sworn to in July.

## CHAPTER XI.

### FRANCE

*Vicissitudes in France. — Polignac Ministry. — Public Opinion. — La Fayette in Lyons. — Breton Association. — Parisian Cafés. — Pamphlets. — Journals. — Journalism. — Comité Directeur. — Jesuits. — State of the Question. — Meeting of the Chambers. — Character of Parties.*

It has been the destiny of France, during the last half century, to fix the attention of the world by alternate scenes of degradation and glory; by astonishing vicissitudes of political condition; by the commission of the darkest public crimes, and by the exhibition of magnanimity and of enthusiasm in the pursuit of great national objects, seldom surpassed; and as the theatre in short, of those events, achievements, sacrifices, and revolutions in human affairs, whereon history delights to dwell. The incidents of 1830 have added another chapter of deep and absorbing interest to her already wonderful annals. Since the second Restoration, a period of comparatively long tranquillity, both internal and external, had elapsed, when the Revolution of the Three Days, and the subordinate events which preceded or accompanied it, came to interrupt

the protracted calm and monotony of affairs, in the bosom of that people, so habituated to the contemplation of the most exciting changes, the most extreme and violent vibrations, in the combinations of its political condition. Tranquil the period may well be called, for France, which at home saw nothing more important than the assassination of a prince of the blood, the descent of the crown in the regular order of hereditary succession, an occasional uprising and consequent fusillade of the uneasy spirits among the people, the suppression or re-establishment of the liberty of the Press, the disbanding of the National Guards, a contested election, the funeral of a Manuel or a Foy, stormy discussions in the Chamber of Deputies, or capricious shiftings of the ministerial portfolios from one to another of the unstable tenants of office: and which

abroad saw nothing more important than the unopposed invasion of Spain, or the bloodless occupation of the Morea. In our own fortunate, peaceful, and prosperous land, where the stability and quiet of a happy form of government and of wise laws prevent the frequent occurrence of those profoundly interesting events, which electrify mankind, such things could not pass without filling a space, by no means insignificant, in our annals. But in France it is otherwise : for what is a change of ministry, compared with a change of dynasty, the abolition of a law to the abolition of a constitution, the dispersion of a handful of turbulent students to the defeat of a noble army, the demise of a king to his dethronement, the doating ineptitude of a Louis or a Charles to the sublime aspirations and splendid errors of Napoleon? And the inglorious chase of the unresisting Constitutionalists of Spain — how little worth it could be to men, who had participated in the magnificent triumphs of Marengo and Jena, or the bloody reverses of Leipsic and Waterloo ! But animation and vicissitude and preparation and anticipation, have once more regained their sway over the course of public affairs in France, and by consequence in the rest of Europe; and in resuming our narrative, we enter upon the record of events, which do not yield in importance or interest, to those which signalized the days of the Republic or the Empire.

We closed the history of France for 1829 with an account of the formation of that ministry, which,

in the brief period of eleven months from its appointment, was destined to overthrow the throne they were designed to strengthen and confirm. M. de Polignac had been transferred from the court of St James to the hotel of Foreign Affairs, and invested with the responsible control of the government, first, as minister merely, and afterwards as President of the Council, in order to gain a name synonymous with incapacity as a statesman, and fatuity as a man. His associates were either like MM. de Bourmont and La Bourdonnaye, the most supremely odious individuals in France, in the estimation of the great body of the Nation; or like MM. Courvoisier, Chabrol, and Montbel, and M. Guernon de Ranville, who soon took the place of La Bourdonnaye, were chiefly distinguished for their known or supposed devotion to the cause of ultra-royalty and the *parti-prêtre*. Such was the Cabinet, consisting of names in part but too notorious at the present hour, whose organization signalized the latter part of the year 1829; and it was received with those ominous and threatening bursts of public indignation, which clearly indicated an approaching crisis.

If the Chamber of Deputies had been at this time in session, the Opposition would, of course, have chosen that as the theatre of their resistance to the new Cabinet, and the voice of France would there have been heard on this momentous subject. But Charles and his *Camarilla* had purposely selected this moment for a change of Ministry, in order to give the

new Ministers time to mature their plans, and if possible acquire firmness in their places, before they should be called upon to face the Chamber of Deputies. If the opinions of the leading men of the Nation had not been long before fully made up, if the People themselves had stood in need of any regular and responsible concentration of public opinion for their information or guidance in this emergency, the King would have derived great advantage from this arrangement. For it is to be considered that France, with its thirty millions of inhabitants, possessed but one popular assembly, but one body in which the great intelligences of the times could in their own persons address the language of warning or persuasion to their fellow citizens. Provincial bodies, analogous to our state legislatures, unfortunately it had not; for, by a political oversight of the most fatal character, the ancient provinces, which at the Revolution offered so favorable a basis for a Federal Republic, had been sedulously and anxiously melted down in the revolutionary crucible into one homogeneous mass. Political meetings of an occasional nature, suited to the expression of opinion concerning the administration of public affairs, were either contrary to the laws, or unsanctioned by the usages of the French. The Press remained, and the Press alone, as the direct and legitimate channel for communicating to the People at large, the views and feelings, the hopes and apprehensions, of the master-minds of the Nation. Happily the Press, that potent engine of pub-

lic movement and impulse, was at this time free, and was thus enabled to utter the decisions of the national will, and invoke the friends of liberty and order to stand fast each by the other in the great catastrophe that seemed impending. In what manner the Press discharged this most sacred duty we shall presently see; but that it was not the Press, which created the public excitement immediately consequent on the appointment of the Polignac ministry, is satisfactorily proved by the reception given to La Fayette at this period, in the south of France.

Since the Revolution of the Three Days, so many personal details and anecdotes in illustration of that event have been spread before the world in the newspapers, that all men now understand the elevated position occupied by General La Fayette in his own country. They have seen the extraordinary influence exercised by him, a simple Deputy, in giving direction to the march of opinions and of action. It was the accumulated result of reiterated acts of lofty patriotism at home, brightened by the reflected splendor of his illustrious reputation in another hemisphere. He had returned to France, after the American war, the youthful hero of a new-born empire. With the characteristic ardor of his nature, he threw himself into that Revolution, which in its outset promised so much for the lasting good of France. When bad men seized upon the helm of state, and La Fayette was compelled to fly from a country reeling with the wild vertigo of revolutionary mad-

ness, he became the martyr of liberty, as the prisoner of him, who worthily rules the Croats and Huns on the borders of European civilization ; — of him, who, not content with the infamy which attached to the name of Austria, as the kidnapper and base jailer of Richard Cœur de Lion, suffered that name to be in like manner disgraced once more, by repeating the same petty outrage against the laws of hospitality and honor in the person of La Fayette. When restored to personal freedom and to his country, he proudly and conscientiously refused that homage to the victorious child of the Revolution, which many an *émigré* professor of ultra royalism had condescended to pay, but which La Fayette could not bestow even upon the ‘great Julius’ when ‘false to Rome.’ Consistent in his untiring zeal for national liberty at the latter epoch of the Restoration, he of course earned the honor of being hated by the Bourbons in proportion as he was beloved by France. Meantime he revisited America, and *retrod*, in one continued ovation, — such as never royal progress or march of oriental pomp had exhibited, — the scenes of his early usefulness and glory. Bringing back to his native country a treasure of heartfelt blessings and heaped-up tokens of eternal gratitude, to show the world how republicans loved to honor their benefactor, he reappeared among the children of young France as the patriarch of the revolution, holding in 1829 the liberal opinions of 1789, unshaken by misfortune or change, and standing as it were the im-

movable god Terminus, to indicate the limits between liberty and despotism.

Such at this moment was the general position of La Fayette, such his absolute popularity as an individual. His intimate connexion with America was incidentally the occasion of a considerable enhancement of the charm attached to his name. Col. Le Vasseur’s Journal of his patron’s visit to America had recently been published, and was eagerly read and greatly admired, as well for its own intrinsic merits, as on account of the flattering picture it gives of the political condition of the United States. We in America, who judge of this work in the translation, and who are familiar with all the subjects it discusses, cannot fully appreciate the excellence and value of it as composed for the meridian of France. The highly talented and most estimable author of the Journal, who courageously perilled his life in the combat of the Three Days, and bore off in honorable wounds the brave man’s badge of glory, wrote the book for France, who needed the examples and information it contained, not for America, who already possessed them in all their original fulness. This publication therefore so opportunely made, while it directly added to the celebrity of La Fayette, operated in the same way indirectly, by reviving the sympathies of enlightened Frenchmen in the prosperity of republican America, and gathering those sympathies around La Fayette as the visible representative of transatlantic freedom.

These explanations are necessary to the understanding of the fact we are about to relate ; at the same time that they will serve to elucidate the deference paid to La Fayette, as we shall hereafter see, in the preparation and accomplishment of the revolution of the Three Days. When the ordinances nominating the new Ministers appeared in the *Moniteur*, La Fayette was on the way to the south of France, to visit his patrimonial estates in his native province of Auvergne, which had been restored to him under the law of indemnity ; and his journey was extended to the delightful residence of his grand-daughter, Madame Adolphe Perrier, amid the rich valleys of Dauphiny and the Isère. Nothing, except the circumstances of his welcome to America, could exceed the enthusiasm with which La Fayette was *fêté* by the inhabitants of the towns through which he passed. The people seized with extreme avidity upon this occasion for testifying their admiration of a great man, and their sense of the actual complexion of the political affairs of the country. The occasion was most auspicious in both respects.

Thirtyeight years had rolled rapidly away since La Fayette was last among them ; and what a mighty mass of overpowering reflection belonged to that period in the flight of time ! The bright hopes of the first constitution, the lurid splendors of the Republic, the maddening excitements of the Empire, the two Restorations with all their train of humiliating consequences, arose in quick succe-

sion before the imagination. — Louis XIV., the rash tribunes of the Republic, Napoleon, and another Louis, had all passed off like a dream, and the contest for the secure possession of constitutional freedom, formerly waged by the people of 1791, was now, after so many bloody but fruitless sacrifices, renewedly waged by the people of 1829 with untiring resolution and pertinacity. There lived a man, bearing the name of Charles Capet, and the title of King of France, to whom the dreadful lessons of the age seemed as water spilled on the ground, or seed scattered on the surface of the ocean ; and who in sight of the red soil of the *Place de la Révolution* on the one hand, and the bronze columns of the *Place Vendôme* on the other, was meditating to deprive France, as she believed, of the liberties dearly bought with her blood. La Fayette, the champion of freedom in 1791, reappeared among them again, the champion of freedom in 1829 ; and he seemed as one risen from the dead, the resuscitated memorial of a by-gone era, a *revenu* from among the beatified spirits of the early days of revolutionized France, come to encourage the zealous, to fix the wavering, to stimulate the phlegmatic, and to deliver a mission of gratulation and hope to a regenerated race. What fitter opportunity could be found for speaking out the universal indignation felt by the people at the appointment of a ministry, whose very existence in office they considered as a declared conspiracy against the Charter ?

Accordingly, every conceivable demonstration of popular regard was lavished upon La Fayette. — His reception in the great city of Lyons may be taken as an example of the enthusiasm which animated the friends of liberty. He was escorted into the city in triumph; illuminations and processions honored his arrival; a magnificent dinner was given him, which several distinguished patriots attended; and the toasts and speeches pronounced at the dinner, were proclaimed in every corner of France, by the thousand tongues of the newspaper press, and in myriads of small pamphlets purposely printed to be widely circulated among the people. La Fayette and his friends, in their speeches, denounced the new Ministers as the enemies of their country, placed in office by the King as the first act in a systematized design for arbitrarily effecting a total change in the Charter, and circumscribing the rights of the People; and the speakers boldly and confidently declared that France never would and never could submit to such usurpation, but was ready to maintain by force the integrity of the Charter. The Ministers interposed all the obstacles they could devise in the way of this continual demonstration of public exultation, but were wholly unable to prevent its taking place. The vexation and annoyance it occasioned them was excessive, and they displayed the most petty and pitiable resentment in their attempts to check, disparage, or punish the enthusiasm of the People. They removed, for instance, the mayor of Vizille on account of

his participation in the solemnities and rejoicings in honor of La Fayette; but unfortunately, when the appointment of a successor came up for consideration, no inhabitant of the place, qualified by law, could be found, who had not committed the same unpardonable sin, which occasioned the removal of the late mayor. In short the people had now acquired a vent for their feelings, a channel for pouring out their sentiments of contempt of the Bourbons, their indignation at the appointment of an anti-constitutional ministry, and their devoted attachment to the Charter and the great principles of the Revolution. And the King, if possessed of the ordinary discernment and understanding of a child, when he witnessed the loud, general, and spontaneous burst of inflamed feeling, which greeted the accession merely, of Ministers of obnoxious political principles, might have anticipated the explosion to be produced by any open violation of the Charter.

Meanwhile, a measure of opposition and of anticipated security against usurpation was adopted, which perplexed the Government still more than the manifestation of regard for La Fayette, because it was a direct attack on the march of the Government itself. Apprehending, with what reason we shall see hereafter, that the Ministers intended to violate the Charter, that a part of the scheme would be an arbitrary change of the Chamber of Deputies, and that the taxes must of course be voted by such an unconstitutional Legislature, or else levied by royal ordinance without any pretence

of regard for the forms of the Charter, the people immediately saw that the taxes afforded a point of legal and peaceful resistance to the Government, of the most advantageous description. It was plainly impossible for the Ministers to proceed with the affairs of the kingdom without pecuniary resources, either in imposts or loans; and the latter could never be obtained unless with a prospect of repayment by means of the former, or some mode of permanently binding the Nation to their reimbursement. If the constitutional representatives of the People were deprived of their proper influence in the Government, as regularly exercised in the grant of supplies, the People themselves had the power to redress the wrong by refusing to pay any tax unlawfully imposed on their estates. The idea was deemed a happy one for the liberal and national party, as it was a dangerous one for the Ministers; and a plan was immediately arranged and put in operation for the accomplishment of the desired object, which, from being first adopted by the landholders of the old province of Bretagne, became known by the name of the Breton Subscription or Association.

This Association had a two fold object. They proposed in the first place to refuse to pay any illegal tax, and in the second place to raise by contribution a common fund for indemnifying any subscriber, whose property or person might suffer by reason of his refusal. An article of the Prospectus explains the plan in the words of the projectors, —

‘The Subscription will form a fund common to Bretagne, destined to indemnify the subscribers for the expenses which they may incur in consequence of a refusal to pay public contributions illegally imposed: whether without the free, regular and constitutional agreement of the King and the two Chambers, in conformity with the Charter and existing laws, or with the agreement of Chambers formed by an electoral system, which shall not have been voted according to constitutional forms.’

The scheme appears to have been a perfect one, as the means of peaceable resistance to any arbitrary acts of the Government. If generally subscribed, the Prospectus would have the effect of combining the whole Nation in a lawful confederacy to sustain the Charter, in spite of the physical force which might be wielded by the King. For if a subscriber refused to pay his tax, the Government could but order a distraint on his property, and it was easy to foresee that this would not benefit the Treasury. The whole of the *classes industrielles*, the great capitalists and landholders, the possessors of the moveable riches of the country, were in general ardent friends of the liberal cause. If they enrolled themselves as parties to the Subscription, a distraint would avail nothing, because there would be nobody to buy the property distrained; and in such a state of things, with all the wealth and feeling of the Nation on one side, and nothing but a taxgatherer's warrant on the other, M. de Polignac would be greatly puzzled, even if



aided by all the alchymy of the baron Rothschild and his brothers, to transmute into good current louisd'ors that all important portion of the annual budget of one thousand millions of francs, which consists in direct taxes. If, therefore, a more summary method of testing the strength of parties had not been adopted during the Three Days, it seems likely that the Ministry must have gone to shipwreck upon the shoals of the Breton Association; for subscriptions were extensively formed as well in the other provinces as in Bretagne.

A Prospectus of the intended Subscription was published at Paris on the 11th of September, in a zealous liberal newspaper called the *Journal du Commerce*, even before the formation of the Association. The Government professed to look upon the mere imputation of unconstitutional intentions, conveyed in the Prospectus, as an aggravated seditious libel, and according ordered the prosecution of M. Bert, the *gérant*, or responsible conductor of the *Journal du Commerce*. The ground of the prosecution was that the publication tended to provoke disobedience to the laws, and to bring the King's Government into hatred and contempt, by spreading a belief that the Ministers had conspired with him to overthrow the Charter. And although the editor was condemned, yet the principles assumed by the Court in giving judgment converted the defeat into a triumph. The Court decided that, as the acts intended to be guarded against would be unlawful in the highest degree, it was an outrage on the Govern-

ment to ascribe to it the intention of committing those acts; thus indirectly sanctioning the objects and principles of the Association, while condemning the publication of the Prospectus.

During the residue of the autumn, and until the announcement in January of the approaching assembly of the Chambers, no public event of much consequence transpired; but the discussion of the great political question now pending agitated all France. It is not true, as many English writers have supposed, that the great provincial cities of France are influenced solely by the movements of the Parisians. Lyons, Rouen, Marseilles, Bordeaux, and the other great cities, all possess their own opinions and feelings, which, in matters affecting the political condition of the country, have sometimes been in advance and sometimes in arrears of Paris. Still, as the permanent seat of the Government, as the great capital of literature and fashion, as the occasional residence of the men of wealth and influence from the provinces, and especially as the seat of an administration, which is in a remarkable degree centralized and organized into a regular subdivision and subordination of *bureaux*, and as the focus of the national intelligence and improvement, Paris, very properly, or at least very naturally, communicates an impetus and a tone to public measures in the various departments, and therefore seems to be the dictator of that national sentiment, of which she is merely the visible representative, the chosen mouth-piece,

and as it were the concentration and the collected essence. There, at any rate, the changes of political feeling are best observed and measured, and the opinions expressed there will be those of men possessed of the largest means of information and the most competent powers of judgment. In addition to the Court, the high functionaries of Church and State, the wealthy manufacturers, proprietors and bankers, the multitude of unemployed officers of the army, the men of science and letters attached to the various institutions of the metropolis, and the intelligent strangers attracted from abroad, are to be reckoned the large number of clerks and subordinate *employés* of the public offices or private enterprises concentrated in Paris. Therefore, in tracing the progress of opinion and events in France at this period, it will prove to be sufficient, in general, to draw our facts and inferences from the capital, as a fit barometer of the sentiments of the whole country.

Paris was, in fact, the place in which the Ministers themselves chose to discuss their own purposes, through that division of the press, which acted as their organ, and where of course the opposition exerted their greatest strength in the same way. During the last two years the Press having been free from the shackles of the *censure*, had spoken with a boldness and talent, especially in Paris, which had converted all men into politicians, and had rendered the perusal of racy political disquisitions one of

the necessities of life. The favored modes of living in Paris greatly facilitated the extensive circulation of the public journals, by spreading them before the thousands who frequented the *Cafés*, to which same end the establishment of numerous *Cabinets de Lecture* largely contributed. The number of places of refreshment at Paris, under various names, at which the journals can be read, is well known to be very great in itself, and they are scattered over every part of the city; being, of course, especially numerous in the Palais Royal, on the Boulevards, and in other quarters, where amusement or business attracts the greatest concourse of persons. But places for the sole purpose of reading the newspapers and other light periodical publications had been multiplied at the period in question, through the growing interest felt in the subject of politics, created by the progress of free discussion. These *Cabinet de Lectures* are a kind of reading rooms wholly unknown among us, being well suited to the exigencies of a numerous and unsettled population like that of Paris, and admirably calculated for their wants and tastes; but very different from the reading rooms which are found in our large towns, whether provided by editors of journals, private associations, or commercial and literary bodies of various kinds. The citizen or stranger, who enters the *Cabinet de Lecture*, pays a sous for the perusal of any paper he may select; and in the favorite promenades and public gardens, as in the Tuileries and elsewhere,

little pavilions are tenanted by individuals, who keep a collection of the journals to be let on the same terms. In addition, therefore, to the ordinary means of circulating political disquisitions, which exist in other places, Paris possessed others peculiar to itself, which gave to the spirited and eloquent articles of the journalist a notoriety unequalled for extent and celerity of diffusion. The liberal party availed themselves of the facilities thus afforded, with consummate address and extraordinary zeal; spreading before the reading public, in pamphlets, newspapers, and larger *periodicals*, an unremitted treat of the most *appetizing* ingredients; maintaining, in short, a war of argument, ridicule, and denunciation against the Ministers, to which, indeed, the latter responded, but with far less efficiency and ability, and incomparably less of influence on the minds of the People.

Foremost in violence of language and pungency of matter were innumerable pamphlets of various kinds, from the argumentative octavo down to the little five sous *brochure*, which made up in extent of circulation for what it wanted in dignity of form. Vituperative histories of the lives and past conduct of the several Ministers; sharp and bitter critiques on their speeches, writings, and state papers; denunciations of their character and purposes of the severest strain; pithy anecdotes and *bons-mots*, in short, every form of attack and annoyance, which the fertile minds and busy hands in the great literary workshop of Paris could devise and execute,

composed the staple of the multitude of light publications. Being printed clandestinely and anonymously in many cases, and thus free from the responsibility, either to the laws or to good manners, which checked the boldness of the periodical Press, these pamphlets were often peculiarly daring and personal in assailing the royal family as well as the officers of Government. Such interesting works gave ample occupation to the presses of that very prolific and highly respectable firm, 'Les Marchands des Nouveautés,' whose publications might easily be found on the counters of the Palais Royal and in the Passage Colbert or Véro-Dodat, but whose printing office or study would be rather likely to elude observation.

It may well be supposed that in these *brochures* some Bussy-Rabutin would not fail to handle with little reverence the scandalous chronicle of the alleged tender interest of a certain Comte d'Artois in the Prince Polignac; that the English connexions, known English partialities, and supposed English dependency of the new Premier were blazoned in glaring colors; and that his want of capacity, his subserviency to the Jesuits and his hostile intentions towards the Charter, were held up to public scorn and indignation with all the warmth of enthusiastic but unscrupulous eloquence. The Comte de Bourmont presented another favorite object of attack, in which, indeed, his whole military and political life were treated with unsparing severity, but which aimed its

keenest shafts, of course, against his traitorous abandonment of the Nation prior to the battle of Waterloo:—For few, very few of his countrymen could be found, who did not view that act of double falsehood, considering the precise moment when it was perpetrated, as treason to France rather than to Napoleon. During the few months he was in office, the Comte de La Bourdonnaye was equally loaded with obloquy for the extravagance and absurdity of his avowed political creed, as the *preux chevalier* of ultraism, the Don Quixote of the *extrême droit*, who had opposed M. de Villèle as almost a liberal, and M. de Martignac as little better than a jacobin. MM. Courvoisier, de Montbel, and Chabrol afforded fewer grounds of violent reproach than their colleagues; but they must have been more than human to have presented no weak point to the keen scrutiny of the wits of Paris, who knew her to depreciate and ridicule where they could not condemn. And we ought to remark, in this connexion, that the new Prefect of Police, M. Mangin, was commemorated, in these ephemeral publications, with more than his due share of bitterness on account of his zealous and uncompromising *Bourbonism*.

The productions of the graver and of the lithographic pencil might well have a place by the side of the foregoing skirmishers and light troops of political warfare. Indeed the lithographic press is going far towards operating the same revolution in regard to the art of engraving, that the printing press has in respect of

writing, having a similar, although not equal, comparative facility and cheapness in the multiplication of its productions. Of course, it is capable of no little efficiency as the vehicle for circulating impressions and sketches, and thus acting upon the popular mind. But the French are not particularly happy in the design or invention of political caricatures. In this particular they are greatly surpassed by the English, while the latter are immeasurably behind their national rivals in the composition of witty and well aimed controversial writings of a light character. If the stage had not been too directly under the supervision of the Police, the public feeling would have sought and found a ready utterance in the lesser theatres of Paris. Whenever a line occurred in Marino Faliero or the other current pieces of the day, which admitted of application to public affairs, the excitable spirits of the *parterre* were sure to single it out for their applause. But the Government jealously watched to prevent anything of a political tendency from being introduced on the stage. A trifling incident betrayed their sensitiveness on this point. The play of *Paul et Virginie* had been announced by one of the minor theatres, which little piece has among its *dramatis personæ* a man of the name of *La Bourdonnaye*. This was quite sufficient to awaken the apprehensions of the Government, who anticipated, perhaps, that the occasion might be embraced by some merry 'gentlemen about town' to exhibit marks of affection for the

ministerial namesake of Saint-Pierre's worthy governor ; and *Paul et Virginie* was accordingly withdrawn and another play substituted in its place.

But we are to look to the political journals, as the most vigorous and efficient combatants in the war of words, which raged at this time ; and as they exercised great influence over the public sentiment during the whole period of the struggle between the two antagonist parties in the kingdom, and at the crisis of the Three Days acquired a direct historical interest in the Revolution, it is proper to enter here into some explanation of the condition of the Newspaper Press in Paris. It is not necessary to examine the legal questions and provisions relating to this head, any further than to state that, with the exception of certain preliminary forms attending the establishment of a newspaper, one of which was the very just one of giving responsible security to meet any claim of damages which might arise, the newspaper press was at this time substantially free in the same sense that it is in the United States. In giving such security, the editor of a journal was required to choose his vocation, for the reason that a political journal assumed liabilities of a different kind from those which attached to a *journal des modes*, a literary periodical, or a theatrical courier. And some of our readers may need to be informed that a much more complete subdivision and classification of the public journals exists in France than in England or America. Each *feuille* being small in its

dimensions, compared with ours, is usually appropriated, in a greater or less degree, to a single class of subjects, paying only incidental attention to others out of its main province, instead of presenting a comprehensive and universal epitome of intelligence, miscellany, and disquisition. Thus one division of the Paris journals is devoted mainly to the proceedings of the tribunals, another to the theatres, others to religion, to literature, to the fashions, to distinct departments of science and the arts, and so forth ; and these, by the conditions of their authorization, abstain from entering upon the troubled sea of political discussion, unless they give security for that express object. It is customary, also, to issue sheets devoted altogether to advertisements, called *Affiches* ; so that, unlike ours, the popular daily political journals of Paris, such as the *Journal des Débats* and the *Constitutionnel*, contain but few advertisements, and a very large proportion of purely original matter, on political subjects. Of course, the whole system of the mechanical arrangements appertaining to the political journals in Paris is totally different from our own ; and a popular *feuille* of that class, instead of being made up of a heterogeneous mass of public documents, laws, judicial proceedings, advertisements, and stale migratory extracts from other papers, is a valuable original sheet of political news and discussions, enlivened by the admixture only of such a portion of other interesting topics as may serve to give zest to the more solid contents of

the paper. They constitute a vehicle in which a man of standing and talent, an eminent statesman, a profound scholar, a peer of rank and lineage, may, without derogation from his character, communicate his opinions and views of public affairs to the People.

One of these journals, it is well known, is a sort of national fixture, a part of the machinery of the Government, which has altered its principles a hundred times in half a century without losing its consistency, and which, although continually changing, is always the same. The *Moniteur* is always the organ of the Government, just in the same way as the letters of the alphabet are the elements of speech; and the *Moniteur* feels no more personal responsibility (so to speak) for the sentiments it utters, than the alphabet does for the use we make of it in the intercourse of life. This journal performs a double duty, being, in the first place, the authoritative publisher of all government acts, such as royal ordinances, and the like, and being employed, in the second place, to defend or explain the doings of the Ministers upon information furnished by themselves for that purpose. It is an arrangement which seems to us to possess manifold advantages in this respect. It is highly desirable that a single journal should constantly appear at the seat of administration of a great country, for the information as well of its own citizens as of foreign nations. Great inconveniences ensue from the want of such a newspaper in those countries where the plan is

imperfectly carried into effect. In England, although the *Courier* was long the nearest accredited organ of the Ministers, yet it never was identified with the Government like the *Moniteur*, and on a change of administration has ceased to possess any particular authority. In the United States, the Journal has succeeded to the *Intelligencer* as the official paper, and the *Telegraph* to the Journal, and now again the *Globe* to the *Telegraph*, as the shifting tides of popular favor ebb and flow, and one party after another gains a temporary ascendancy at Washington. It would be infinitely better to imitate the example of the French, in order that all men, at all times and places, the citizen and the foreigner, the present generation and the future historian, might be able to recur to a single journal to obtain a sure exposition of the views of the Government itself and an authoritative record of its acts. It is no objection to this to say that the pages of the *Moniteur* exhibit principles of the most various and opposite character, and that so it is inconsistent with itself. So is the statute-book inconsistent; for this year it contains a repeal of the law which it promulgated the last, although its name remains unchanged. It is important now, it is desirable hereafter, to know what Ministers think, as well as what they do; and no permanent individuality of character being claimed by the *Moniteur*, no consistency is forfeited by its adopting the successive colors of the existing Government.

But while the Polignac Ministry found an advocate in the *Moniteur* as a matter of course, it relied upon other journals, the professed adherents of the royalist party as a party, and by consequence of the leaders of that party when invested with the direction of public affairs. It appears from some of the curious manuscripts found in the Tuileries since the expulsion of the Bourbons, that they very liberally employed the public money in the support of newspapers favorable to their cause, particularly at this contingency. No less than five-millions of francs had been expended in the purchase of anti-national journals. *Le Pilote* had received four hundred and fourteen thousand four hundred francs; *Les Tablettes Universelles* three hundred and eightyfour thousand fiftythree francs; *Le Journal de Paris* nine hundred and eightyfour thousand nine hundred francs; *L'Oriflamme* four hundred and twenty-six thousand seven hundred fortyone; *La Quotidienne* four hundred and fortytwo thousand three hundred sixtyfour francs; *Le Journal des Maires* four hundred and sixtythree thousand five hundred francs; *La Foudre* forty-nine thousand francs; *La Gazette de France* three hundred and ninetyone thousand six hundred thirtythree francs. The Government was fully aware, no doubt, of the truth and justice of that principle which is laid down by Sir Francis North, who reminds of himself that, while other advisers of the Crown had urged prosecutions against those who libelled the Ministers, he proposed

ed the triumphant expedient of meeting the libellers on their own ground by means of talented writers employed to defend the Ministers. Prosecutions, he wisely remarks, only serve in such cases to give popularity and importance to obscure writers of pamphlets and newspaper paragraphs. Let the Ministers employ the same weapons of satire and argument in beating down the Opposition which the latter directs against them, and their chance of success will in general be far greater than by filing criminal informations. M. de Polignac made use of both expedients, it is true, the latter as well as the former; and the royalist journals in his pay displayed as much acrimony, if not as much sincerity and talent, as their more numerous adversaries. Among the newspapers entitled to particular consideration as taking the royalist part in the great constitutional controversy awakened by the appointment of the new Ministry, the *Quotidienne* and the *Gazette de France* should be mentioned as possessing the respectability of established daily journals, having a name and reputation in the departments as well as at Paris. These two newspapers participated, it will be seen, in the pecuniary support directly afforded by Government to the ministerial section of the Press, and are therefore open to the exception of acting a mercenary part as the paid agents and advocates of the measures and men they upheld. Still their patrons, supporters, and conductors were all of the royalist side from principle, or at least in principle; and they

undoubtedly maintained the same cause they would have done without any golden promptings from the Government.

It is perfectly notorious that vastly more of talent, standing, and intelligence was enlisted in the liberal journals, in the same proportion that the French Nation, and especially the ardent young spirits of the rising generation, were in a great measure heartily attached to the liberal cause, and either zealously opposed to the Bourbons, or at any rate determined to maintain the integrity of the Charter. In fact the *mind* of France viewed the contest as one between the Nation, and a single family, however the high ecclesiastics and the *émigrés* nobles might give seeming numbers and adherents to that single family. — When, therefore, we come to speak of the *Constitutionnel*, the *Journal des Débats*, the *Globe*, and other liberal papers, we have no longer to deal with mercenary clerks in the public *bureaux* writing up the reputation of their *chefs*, or humble Grub-street drudges, executing so many squares of newspaper articles according to order to earn their daily bread, or unprincipled hirelings laboring on through columns of vulgar baldry or blundering fatuity in support of a bad cause. It was the Constants, the Chateaubriands, the Jays, the Kératrys, the Guizots, the Broglies, and others of the great literary *illustrations* of France, who gave dignity and influence to the sheets of the opposition presses; although younger and meaner men were their *col-laborateurs* and the responsible

editors of these journals : for who would not have been proud to act with such associates, in the furtherance of principles equally dear to the hearts of all? And although they differed in minor objects, some being for a Republic, some for the Charter as it stood, for Charles X., but with better advisers around his throne, and some for an amended Charter, and another dynasty to wear the crown, yet all agreed in attachment to France, and hostility to M. de Polignac and his associates as the enemies of France.

When this administration came into office, five popular daily journals immediately and ardently arrayed themselves against it. — Two of these, the *Constitutionnel* and the *Journal des Débats*, had a wider circulation, and exercised a greater influence, than any other papers in France. — One of these, to be sure, spoke the well known sentiments of Chateaubriand, who, through all his active opposition to the Villèle ministry, and in his opposition to the Polignac ministry, retained his fidelity to the Bourbon interest, which, indeed, he has manfully acted up to since the Revolution of the Three Days. How far resentment against M. de Villèle may have influenced M de Chateaubriand we pretend not to say ; nor is it material, in considering the effect of his writings upon the popularity of the Government. — But the other, the *Constitutionnel*, entertained no scruples to prevent its entering thoroughly into the cause of the Charter and the People, at whatever risk to the Bourbons. Next to these in



credit were the *Journal du Commerce*, a paper conducted with great boldness as well as talent, and the *Courrier Français*. — The *Messenger des Chambres* was originally established in favor of the Martignac ministry, but under new control now passed into the ranks of the Opposition.

Without undertaking to specify or characterize all the daily or other papers on both sides, which at this time existed, we mention two others that were distinguished for the efficacy of their paragraphs. One of these is called *Le Figaro*. The journals, which we have heretofore mentioned, are dignified gazettes of that class which must necessarily cultivate a certain degree of *retenu* and good manners in their style of discussion and the tenor of their articles. They contain powerful discussions of great constitutional questions; elaborate disquisitions on the state and prospects of the country; earnest appeals to the good sense, patriotism, and high feeling of the Nation; and attacks on the character, principles, and measures of the Ministers of a more labored and less unassuming nature. But the *Figaro* had no dignity to maintain, or *bienséances* to consult. Ridicule, sarcasm, cutting unsparing satire, wit in every shape, such are the weapons of the *Figaro*; and it must be confessed that, however light and superficial its articles, they were signalized by talent, spirit, ingenuity, and point, which made them of more avail than the most eloquent effusions of the *Journal des Débats* or the *Constitutionnel*. And a miscellaneous Sunday jour-

nal, denominated the *Courrier des Electeurs*, acted its part very efficiently, by exhibiting, often in light spirited articles, equal hostility against the Ministers. An example will best illustrate the nature of these little paragraphs. 'On construit,' says the *Courrier des Electeurs*, 'en ce moment des voitures, qui feront la route de Paris à Bruxelles, et qu' on appellera *Bourmontaises*;' alluding to the familiar carriages of Paris called *Ecoissaises*, *Béarnaises*, &c. Again, says the *Courrier*: — 'On vend au Palais Royal un grand nombre de tabatières sur lesquelles est représentée la Sainte Cène de Paul Veronese, avec ces mots au bas: En vérité je vous le dis, l' un de vous doit me trahir. On les appelle *boîtes à la Bourmont*.' Another paragraph states the amount of his appointments in these words: 'Tarif de la Fidélité. Bourmont reçoit pour les services qu'il a rendus dans la journée du 16 Juin, 1815, un traitement annuel de 163,100 francs, savoir, &c, &c. — Pour sa part de l'indemnité, lui, général de la Chouannerie et de l'Empire, il a touché 106,871 francs.' We give these extracts, not as specimens, but as examples, of the style and spirit of the unceasing storm of political missiles, that were thus showered upon the new Ministers.

Leaving out of consideration the *Pariser Zeitung* and Galignani's *Messenger*, papers printed one in German and the other in English, and the latter with an evident leaning to the popular cause, we see that the majority of the journals in number, and at the same time, the most ably conducted,

were opposed to the Ministers. — At the same time, the increasing fermentation of the public mind, the apprehension universally entertained of an approaching crisis, and the enthusiastic ardor of the young politicians of the day, led to the establishment, in the course of a few months, of several new papers, which outstripped the older journals in boldness, and have acquired a lasting reputation by the events of the Three Days. — Such are the *Temps*, the *National*, and the *Révolution*, — journals, whose names are sufficiently indicative of their character. They started into being amid the concussion of passions and opinions, ‘to share in the glory and danger of the struggle;’ and threw themselves into the contest with a fearlessness and a violence of spirit, which nothing but the extremity of the public exigencies could have called for and justified. — And in the course of the winter the *Globe*, a philosophical and literary journal, distinguished by the contributions of M. Guizot and the Duc de Broglie, quitted its academic walks to engage in the agitations of the forum. In short, an extraordinary combination of ability and zeal was now exerting itself through the liberal press, having for its professed object the maintenance of the Charter, but apparently aiming at, or at least countenancing some ulterior object; thus constituting a new power in the nation, which the royalist party designated by the name of *Journalisme*. In fact, *Journalisme* and the *Comité Directeur* formed at this period the bugbear of the royalists, as the

*Congrégation* did that of the liberals. It is presumable that neither party was entirely mistaken in ascribing influence to these mysterious abstractions; and that they were not mere phantoms of the imagination, conjured up by excited feelings in the murky atmosphere of civil discord.

*Journalisme*, it is plain, was no imaginary existence, but a potent and terrible engine of the times, which might well awaken the dread of an interested party, or of anti-national Ministers. The periodical Press was anything but a phantom. It was the Nation declaring itself against the King, and against his policy, his measures, his principles, and his advisers. — Without referring to any inferior authority, we will quote, from the celebrated Report of the Ministers themselves, their views of the influence and tendency of Journalism. ‘It would be denying what is self evident,’ they say, ‘to refuse seeing in the journals the principal focus of a corruption, the progress of which is every day more sensible, and the first source of the calamities which threaten the Kingdom. Experience speaks more loudly than theories. Men who are doubtless enlightened, and whose good faith is not suspected, led away by the ill-understood example of a neighboring people, may have believed that the advantages of the periodical Press, would balance its inconveniences, and that its excesses would be neutralized by contrary excesses. It is not so: the proof is decisive, and the question is now judged in the public mind. — At all times, in fact, the periodi-

cal Press has been, and it is in its nature to be, only an instrument of disorder and sedition. \* \* \* It endeavors, by constant, persevering, daily-repeated efforts, to relax all the bonds of obedience and subordination; to weaken all the springs of public authority; to degrade and debase it in the opinion of the People; to create against it everywhere embarrassment and resistance. Its art consists not in substituting for a too easy submission of mind, a prudent liberty of examination, but in reducing to a problem the most positive truths. Not in exciting upon political questions frank and useful controversy, but in placing them in a false light, and solving them by sophisms. The Press has thus excited confusion in the most upright minds, has shaken the most firm convictions, and produced in the midst of society a confusion of principles, which lends itself to the most fatal attempts. It is by anarchy in doctrines, that it paves the way for anarchy in the State.' Such is the view taken of the character of *Journalisme* by the Ministers; and it is evidently a false one; for it is nothing but the case made out in all ages by the few, who have violently possessed themselves of undue power, in opposition to the many, who are continually seeking, by peaceable means if they can, by forcible if they must, to restore the equality of political rights, which the God of Nature and of Christianity bestowed on the human race. . .

In fact, it is not so much the periodical Press, as it is the art of printing, or rather the faculty of thinking and writing, whose use-

fulness the French Ministers would thus impugn. Tyranny and bigotry, have always had their grudge against the press; and MM. de Polignac, Montbel, and their associates, were not singular in their unfavorable estimate of its tendency, as an agent to spread abroad the impression, operations; and results of mind. We should be departing from our present purpose to argue the various questions growing out of this subject; and to argue the general question in the United States, would be as idle a task as to inquire whether Washington was a great man, Franklin a wise man, or Arnold a bad man. America settled all those points, to her own satisfaction at least, if not to the satisfaction of the monarchs and their ministers in Europe, soon after the year 1776. We confine ourselves, therefore, to the remarks necessary to disposing of this matter as *an important fact* in the late affairs of France.

M. de Polignac's position is that 'at all times the periodical Press has been, and it is in its nature to be, only an instrument of disorder and sedition,' and this we say is entirely false. Was the periodical Press 'only an instrument of sedition', under the paternal guidance of the *censure* in the reign of Louis XVIII.? Was it only an 'instrument of sedition' in the reign of Napoleon, when it very judiciously and complaisantly uttered what he directed, and loyally supported the most legitimate of Emperors, him, who carved out his own empire with his own good sword, instead of deriving it from the accident of parentage, or by

transmission through the vulgar channel of birth? Is the *Gaceta de Madrid* or the Austrian Observer 'only an instrument of sedition'? We fancy that all the sedition which these pliant 'instruments' of power excite, arises out of the disgust and recoil which their subserviency awakens in the breasts of the friends of justice and liberty. Nay, to come directly to the very case itself, was *La Quotidienne* 'only an instrument of sedition'? Was *Le Drapeau Blanc*? Was *L'Oriflamme*? If either of these journals furthered the cause of 'anarchy,' or served as a 'focus of corruption,' it certainly was no want of good will to the descendants of Saint Louis, or of zeal in support of the 'divine right' of kings, which subjected them to such ungrateful reproof at the hands of Charles Dix.

M. de Polignac's primary error, therefore, consists in attributing to the whole periodical Press that character which could only be pretended, upon his own premises, of that portion of it which professedly acted in defence of the Charter. If the newspapers, on that side of the question, were comparatively speaking so numerous, so able, and so influential, as to constitute a new power in the State, it was either the fault of the Ministers or the fault of their cause. If their cause was that of truth and reason, why did they not make it appear? If their cause was that of the national good, why did they not carry with them the feelings of the Nation? They understood well the Lord Keeper North's pan-

acea for counteracting the poisonous effects of political libels against the Government, and they administered the medicine, it seems, in very liberal doses. Having the means of diverting unaccounted millions from the pockets of the People into those of such skilful controversialists of their party as stood ready to fight the ministerial battles, if they accomplished nothing it must have been because their cause was a bad one, since the vantage ground was theirs, and they were contending not for honor merely or abstract principles, but for their very existence. As to the influence of *Journalisme*, therefore, in promoting the Revolution of the Three Days, the plain unvarnished fact is this:—The liberal journals supported the interests of the Nation, while the ministerial journals were doomed to the laborious and ungrateful task of supporting the adverse interests 'de deux vieillards et d'un enfant,' with their dependants, who had been forced upon France by the bayonets of her confederate enemies. The Bourbons, 'the two old gentlemen and one child,' constituted one party, and France constituted the other. Of course, notwithstanding all the immediate power possessed by the King, as the fountain of honors, the dispenser of rank and office, the head of the army of troops and army of *employés*, and master of the public revenues,—notwithstanding all this, when the question came to be, who should reason best, who should write best, who should conduct a newspaper best, the King or the Nation, it was easy to fore-

see that all the ripe, spontaneous, independent, patriotic talent of France would speedily be concentrated into the new power of *Journalisme*.

The remaining subject of horror, which so disturbed the tranquillity of the government was invisible in itself, however sensible it may have been in its effects. We allude to the alleged *Comité Directeur*, a supposed permanent body, stated to have its head quarters at Paris, and to have for its object, to give organization, system, and consequent efficacy, to the efforts and members of the constitutional party. What the fact may be in regard to any such secret 'Committee of Safety' is unknown to us; but we must say that it would be strange if such a body had not existed, considering the stormy aspect of public affairs. Here was a matured plan, it was believed, on the part of the King, to endeavor, by means of his Ministers, to overthrow the Charter. The Ministers were the King's permanent *Comité Directeur* to revolutionize France in the interests of despotism. What more natural and reasonable than that the people should have their *Comité Directeur* to sustain the constitution of government as it was, or even to revolutionize France in the interests of liberty? All the advantages were certainly on the side of the King's *Comité Directeur*. They had the physical force of a large standing army and all the apparatus of war at command: their antagonists had, nothing to meet it but moral courage and brave hearts to abide the issue. —

The people unfortunately had to provide funds for both sides. For we may be sure that neither Charles nor M. de Polignac provided, out of their own private resources, the budget of ten hundred millions of francs, which they had both power and will to employ in furtherance of their schemes of usurpation; and we may be equally sure, if MM. La Fayette, Lafite, and their friends expended any money in the establishment and support of journals, in defraying the cost of defending against political prosecutions, or otherwise, that neither was this money derived from the private patrimony of M. de Polignac or Charles. We do not suppose that such a desperate moral contest, as was carried on by the national party in France, from August, 1829 to July, 1830, was conducted without some degree of concert among their trusted leaders, or a certain quantity of *revolutionary rent* to meet the unavoidable expenditures of such a crisis. And we know, from authentic documents, now before the world, that the Ministers were combined in an illegal purpose, and profusely employed the public money in promoting it. Nay, if the liberals had a secret *Comité Directeur* to manage their affairs, was there not a secret *Camarilla* behind the throne, an irresponsible cabinet, equally unknown to the Charter with the *Comité*, and at least equally dangerous to the State?

And this inquiry brings us to the other mysterious power, whose operations were too sensibly felt, and which constituted the subject

of horror to the friends of the Charter, namely, the Jesuits, and the *Congrégation* or affiliated disciples of the *parti prêtre*, having ample scope for intrigue as members of the Court or personal associates of the Sovereign. It was well remarked, on the appointment of the Polignac Ministry, that it could not stand; for the Ministers are alone, it was said; nothing sustains them but the clergy and the Ultras; and in France there are but forty thousand priests and a hundred thousand Ultras, to withstand thirtyone millions eight hundred and sixty thousand constitutionalists. But in admitting the truth of this remark, we must consider the greater means of *direct influence* possessed by a *Camarilla* of Clergy and Courtiers behind the throne, than can be exerted by the well wishing, patriotic individuals of the People at large.

We might well believe, if we did not know, that the Court of an emigrant devotee like Charles X., a man in his dotage, with but scant remains of the little sense he ever was blessed with, and given up to ascetic observances and the chase, without either capacity or inclination to elevate his understanding to the level of the times, — that in such a Court men of his own temper, character, and fortunes, would be the favored private advisers of his conduct and keepers of his conscience, whoever might be his responsible public Ministers. The lay members of the Court, of course, would consist of the privileged families of the *ancien régime*, accustomed to bask in the sunshine of royal grace,

and to feed their extravagance out of the treasures of the state; sinecurists and household functionaries and favorites, the retained representatives of those courtiers by profession, who had ruined the Bourbons once, and were now laboring in their vocation to do it again. ‘Habituated,’ says a lively French writer, ‘to contract debts, to spend beyond their revenues, to live tranquil in presence of a great mass of creditors, who could be silenced by a *lettre de cachet* if occasion required, they did not now relish absolute submission to legal order. No longer to find an odious protection in the misapplication of the laws; to be compelled to live on their income, and not at the charge of the traders or the royal treasury; to be able now to devour only a determinate quantity of the civil list, and no more, for the *Cour des Comptes* stares them in the face; to be debarred from making large fortunes by means of favoritism or the mistresses of the King; to tolerate a free Press, which unceasingly reproaches the exactions and follies of those in power; no longer to tyrannize over comedians and authors: — Such are the undying tortures which perpetually sting the gentry of the Court. These bloodsuckers of the throne and the Nation wish for the whole, while they can have no more than their appropriate share; and hence they are sworn enemies of the Charter, because it is the Charter which binds them down to that state of things, ‘in which consists, not their happiness, but the happiness of France.’ If this picture is highly colored, it un-

doubtedly possesses too much truth. France was young and new, while the Court was old and decrepit. France had been recently accustomed to nobles by nature, not by parentage; to courtiers who could speak of their own achievements, not of their ancestors in the middle ages.— The Court of the Restoration had abundance of old historical names to show, but France had forgotten them; the *illustrations* of the Republic and the Empire were resplendent with cotemporary triumphs, which had effaced the expiring glories of men, who held their honors by virtue of the deeds of some old knight of yore, who died in his harness four hundred years ago in a petty skirmish under the banners of Orleans or Burgundy. Who now thought of Duras or Aumont, or cared for Rohan or Polignac? But the name of Lannes or Ney, of Soult or Masséna, was like the voice of a trumpet swelling upon the ear from the distant hills. It spoke to every soul in France of stricken fields, of victories achieved, of glories ineffaceable, of imperial splendors; of all that could madden the fancy and dwell in dazzling brilliancy before the mind's eye forever. Is it wonderful, then, if the Court which surrounded Charles and Louis Antoine was little respected by the People, and gained no confidence from them; or if this Court, with the sympathies it possessed and the position in the public estimation it occupied, should have given, occasion to make itself considered, in its general influence, hostile to the Charter?

The People entertained, at this period, still greater distrust of the influence of the Jesuits. They saw the *Congrégation* extending its ramifications through all the provinces, receiving many accessions from superstition, but more from policy and aspiring motives, and especially potent in the region of the Palace itself. They had struggled hard to procure even the nominal enforcement of the laws against the Jesuits, and with little effect. France believed that, if this intriguing and ambitious order of priests had sway, although they conspired with the King and the aristocracy to enslave the people today, they would, when they had advanced thus far, conspire with the lowest of the People to enslave the King tomorrow; and that they labored the triumph of absolution only in order afterwards to build up an inquisition by its means. In a country like France, where genuine and rational religion had unfortunately lost so much of its authority, it was not to be presumed that any forbearance would be felt for designing hypocrisy which assumed its garb, or ambitious jesuitry, seeking temporal power through the permission of its forms.

We have deemed it proper and useful, as well as consistent with the nature of our work, to enter into these considerations, although in part somewhat argumentative in their nature, because they present a view of the facts, which, as we go along, will be found gradually to unfold the causes of the Revolution of the Three Days. We proceed, therefore, to explain the state of the great question at

issue between the two parties, as presented to us in the journals and elsewhere, during the period anterior to the convocation of the Chambers.

From the very instant of the announcement in the *Moniteur* of the appointment of M. de Polignac and his associates, a never ceasing war of obloquy had been carried on by the writers in the interest of the Opposition. The liberal party did not pretend that any unconstitutional measures had been adopted by the Ministers, but took a stand against their supposed intentions, as inferred from various circumstances. Of this course the Ministers complained, as being factious and unjust. Wait, said they, until we violate the Charter, or manifest some disposition to do it, before you treat us as miscreants and traitors. The King has exercised his constitutional prerogative in selecting us to be his responsible advisers; it will be time enough to denounce our character and conduct as Ministers, when as Ministers we deserve reproach by the commission of illegal acts. To this the liberal party replied:—We know that your purposes are bad, and we can hope to prevent their accomplishment only by anticipating your design, and preparing the Nation to meet the possible contingency; and until you leave the Ministry, and men of other principles are appointed in your place, we shall not cease to sound the tocsin of alarm, and proclaim our distrust of the Government. Which side was justified by the facts?

When we consider what the

Ministers actually did in July, 1830, and recollect how truly the liberal party anticipated their design eleven months before, it would seem that some obscure intimation of that purpose had escaped from those, who were at the bottom of the plot against the Charter. It may be, however, that, from discussions among the courtiers of what was feasible or expedient, men acquainted with the feelings of the King could form a pretty safe conjecture as to what the Ministers would attempt. A blow at the liberty of the Press was at any rate to be reasonably expected, although not in what precise manner and time it would be struck. Intentions to alter the composition of the Chamber of Deputies by ordinance, and to remodel the electoral system in the same way, were confidently imputed, as steps to be taken preparatory to gradually doing away with all those provisions of the Charter, which abridged the power of the Crown. Such were the designs attributed to the Ministers, and of which the People were called upon to beware.

But on what ground, it will be asked, did the liberals pretend to believe that the Charter was in danger? We answer, that the known character, the avowed politics of the Ministers, and the fact of their being in office, were sufficient to convict the King and the Dauphin of meditating a violation of the Charter. M. de Martignac and his colleagues were royalists; they were no revolutionary zealots, neither democrats nor Bonapartists. Why were they thrust out of office, unless because they were



considered too moderate, too tempering, too conscientiously attached to the Charter? No other plausible reason could be or was alleged. Again, when the Martignac Ministry was displaced, why were Polignac, and Bourmont, and La Bourdonnaye placed at the head of affairs, unless because they were *ultra* in their principles, and prepared, from rashness or ignorance, to go further in the cause of absolutism than M. de Martignac could be induced to proceed? No other plausible reason could be or was alleged. These Ministers are not to be considered as new men, of untried opinions, whose future acts could be left to develop their principles, so that thus they might be judged. It would have been as easy to suspect the Duchesse d'Angoulême of republican tendencies, as M. de Polignac or M. de la Bourdonnaye of affection for the Charter. Long since they had not only hoisted their colors, but nailed them to the mast. M. de Polignac was the reputed son of Charles X., in the same way that Richard became the father of Faulconbridge; and he arrived at the Premiership, not as M. de Villèle did, by force of talents, by parliamentary address and influence, by capacity for conducting public affairs, but as De Luynes or Cinq-Mars obtained the helm under Louis XIII., or Robert Carre under James I., through the by-paths of personal favoritism. It was undeniable that whatever the King's *Camarilla* willed, Polignac would will, because it could only be to represent them, and to act for Charles as an individual, not as the Sovereign of a great Nation,

that he was made Premier. M. de La Bourdonnaye was the furious orator of *ultra ultraism*; the extreme of the *extrême gauche*. M. de Bourmont was, in his political fortunes, indissolubly identified with the Bourbons as a family, ever since that act of treachery, which gained him the indignation of all France. It was enough for the liberals, then, to see such men in the control of the Government. This fact alone was decisive of the question; for how did they come into office, but in order to sustain the counter revolution, the Jesuits and absolutism?

Unfortunately for M. de Polignac, he was open to the imputation of being subservient to the views of England; an alleged subserviency, which, real or imaginary, was a very efficacious ground of reproach, in consequence of the excessive sensitiveness of the French People on this subject. His wife was English, his fortune was in England, his children were brought up in England, he professedly admired the English Constitution as the exemplar of a perfect Government, and he was a personal friend of the Duke of Wellington, having long resided in England in the capacity of ambassador of King Charles. These circumstances were sufficient to countenance the imputation, and to enable the liberals to employ it as the means of augmenting his unpopularity; but it proved, in the sequel, that he paid but too little heed to the warnings of Wellington against attempting a *coup d'état*.

It is one of the extraordinary features of the period that the *Quotidien*, and the few other pa-

pers which supported the Ministers, performed their duty with a feeble and timid spirit, which was oddly contrasted with their affected scorn of the liberal party, and the blustering tone of assumed defiance and reproach which marked their effusions. They were very liberal, and profuse of the terms jacobin, *révolutionnaires*, enemies of the King, and the like; but they made a wofully lame apology for the characters and known principles of the Ministers; and by the course of argument they pursued, as to the question whether a violation of the Charter was contemplated, they by no means tended to allay the public ferment and agitation. Among the documents, which have come to light since the Three Days, are some which explain this seeming mystery. It is demonstrated that the King and his back-stair Cabinet were determined to expunge the Revolution, — so to speak, to carry France back to the good old days, when instead of an elective Chamber was a convenient Council of State; when the Ministers were responsible to nobody but the King, and the King was responsible to nobody but his public harlot, some shameless Madame de Pompadour, or Madame du Barry; and when, so long as the hereditary head of the State had a *Père-aux-Cadets* to repair to for his amusement, and as long as the nobles about the Court had free access to the King, it mattered little what became of the surviving people and the people of France.

It seems that when La Bourdonnaye gave place in November to

M. Guernon de Ranville, this gentleman, in entering the Cabinet, felt bound to file a sort of protest against their proceeding in their intention to nullify the Charter. 'The project,' he says, 'which some imprudent royalists would wish to push the Government to adopt, would consist in dissolving the Chambers and convoking a new one, after having modified by ordinance the electoral law, and suspended the freedom of the Press by re-establishing the censorship. I know not if this would save the Monarchy; but it would be a *coup d'état* of extreme violence. It would be a violation of the thirtyfifth article of the Charter; that is, a violation of the oath taken to maintain it. Such a step would never become the King nor conscientious Ministers.' Unhappily for the Bourbons the ingenious advice of this their devoted servant, a man of unsuspected attachment to their dynasty, was not favorably entertained; and the Minister himself was afterwards reasoned out of his own better judgment, and driven into a participation in the 'violent *coup d'état*, which ruined the Monarchy and himself.'

Other advisers were at work, whose counsels were more palatable to the dotard on the throne, than those of the clear sighted M. Guernon de Ranville; as plainly appears from the language of a memorial communicated to the Dauphin by some irresponsible noble on the liberties of his country. 'The Sovereign,' says the memorial, 'may make *coups d'état* for the good of his subjects. They will almost always succeed, if he shows

that they are for the benefit of great proprietors and the army, *provided force and secrecy are employed in their execution*, and prompt justice is executed on the factions. *Bayonets support thrones.* The soldier belongs to him who pays him. The party of the liberals is without a chief. That the people or the troops should revolt, they must find or hope for safety and guarantees. It is not a few groups of students, easy to be dispersed by a few shots or a few charges of cavalry, that will give those guarantees.' Here are precious maxims for a constitutional King. The *great proprietors*, that is, the oligarchy about the throne, are to be flattered and conciliated with the promise of power, and the army is to be corrupted by largesses, and then all will go well: for thrones are supported by 'bayonets,' not by the affection of the People. This rule of governing, to be sure, may not prove palatable to the millions who pay and suffer; but no matter; they are unarmed; they are base fellows, born to till the ground, to discharge imposts, to beget slaves, and to die; and if they speak of their chartered rights, the bayonet, the sabre, and the guillotine will reduce them to silence and submission. We thank God that 'the people' and 'the troops' and 'a few groups of students,' of whom this memorialist speaks so contemptuously, gave a lesson to crowned heads on the 29th of July, which will be remembered by the servile instruments of oppression in Europe, so long as a King cumber the earth.

But the memorialist proceeds

in an equally significant strain. 'Strike,' says he, 'strike with a firm hand the institutions which owe their birth to the Revolution, and by which it is perpetuated.' That is, suppress the Charter by force, and abolish all the just and equal laws of the last forty years: and he might as well have added, demolish half Paris and waste France with fire and sword; for it is the splendid monuments of one and the wide spreading prosperity of the other, *qui perpétuent la révolution.* 'The national representation is contrary to the genius, the manners and the character of a Nation frivolous and turbulent like ours. With fifty thousand advocates, and the same number of attorneys and clerks, and such a host of physicians and surgeons imbued with revolutionary principles, the representative form of government, resulting from the Charter, is a continual struggle of parties, which engenders disorder, divides the country, and enfeebles the State. There is a repugnance, a natural antipathy between France and the representative system. The Monarchy requires, in order to be firm and preponderating without, as well as within, a *Supreme Council, not two rival Chambers.* The nobles have incontestable rights to the administration of the State; and the clergy can no longer remain a stranger to the government of France.' It is impossible, in our apprehension, to conceive of principles more wretched, counsels more infatuated, or ignorance more profound, than these passages betray. We undertake not to justify or extenuate the horrors

and excesses of the French Revolution; but we must say that so long as Kings maintain that no faith is to be kept with their subjects and no oaths are binding in their favor, and that their fellow men are of no farther consideration but to be 'taillés et corvés à la miséricorde,' for the benefit of a few idle and profligate courtiers, — we cannot discipline our republican feelings into a state of very extreme sorrow that a terrible lesson of retributive and reciprocal justice should occasionally be visited on such implacable enemies of the whole human race.

Having thus seen what was the nature of the apprehensions entertained by the constitutional party, and how much cause there was for such apprehensions, we have but one more subject to advert to, before proceeding to the meeting of the Chambers. We mean, the probable issue of a decisive struggle. All that the liberals asked, and all that they professed to desire, was the conservation of the Charter and the appointment of a National Ministry. Yet it is undeniable that, so early as the close of 1829, very just calculations could be made regarding the probable event, if the King should tamper with the Charter and fail. Many hoped and desired that he would attempt a *coup d'état*, in the anticipation of its resulting in the gratification of their peculiar feelings and wishes. But even those, who believed in the expediency and success of a *coup d'état* as a royalist measure, could not fail to reflect on its possible failure, and to look to what would be the consequence. The analogy, thus

far, strikingly perfect, between the history of the three last Stuarts in England, and the three last Bourbons in France, was continually followed out in private conversation to its final catastrophe, and not seldom alluded to in the newspapers, especially those of Great Britain. We feel no hesitation in saying that the mere contemplation of this analogy had great influence in familiarizing the minds of men to the idea of the Duc d'Orleans as a kind of predestined substitute for Charles X. We shall not here anticipate the history of a later period, by undertaking to develop the various circumstances of family and personal popularity and public convenience, which subsequently raised Louis Philippe to the throne. We speak only of the under current of public sentiment, the privately expressed opinion, the half formed fears or hopes, which might be discerned in France late in 1829, and before any actual collision had taken place between the People and the King personally.

We know the fact to be that, at the period in question, the Orleans family occupied this singular position, in the supposition of an impending revolution: They were the first choice of but few, they were the second choice of nearly all. The Republicans regarded the succession of the Duc d'Orleans as the next best thing to the establishment of a Republic; the Bonapartists admitted that it would be next best to the restoration of the rights of the young Napoleon; and the Bourbonists felt that it would be

next best to the continuance in power of Charles or Louis Antoine, or young Henri. The Republicans would prefer it, now, to the reigning family or to the son of Marie Louise; the Royalists to Napoleon or a Republic; and the Bonapartists to a Republic probably, certainly to the Bourbons, whose thorough adherents formed a very small fraction of the Nation, and that fraction neither the most intelligent nor the most influential. And thus Louis Philippe, while, if he relied for success on choice by absolute preference, had little chance of reaching the throne, had the fairest prospects as the choice by compromise and political necessity.

Such was the state of public affairs, when the royal ordinance appeared on the 7th of January, appointing the 2d of March ensuing, for the assembling of the Chambers. It could no longer be said that the King intended to dissolve the Chambers, and thus save the Ministers from the inconvenience of meeting the Representatives of the Nation. The question now was, what the Chambers would do, and what the Ministers, in case the Legislature should go so far as to insist on a change of Ministry as the condition of a vote of supplies. Meanwhile, after six months of inactive irresolution, of almost absolute quiescence, of timid, fearful movement in the mere vicious circles of *bureaucratic* formality, the Ministers had really ventured to do something, to take a step in office of some kind. As to the internal affairs of the Kingdom they had gone so far as to conclude to

face the Chambers; and they even made a couple of *moves* in relation to external affairs.

The wise rulers of Europe, who had crushed the power of the Sublime Porte by mere inadvertence, and called into being a Republic on the shores of the Mediterranean by mistake, were sorely puzzled to decide how to retrace their steps with becoming solemnity and gravity; so as not to encounter too much reproof from an injured fellow-king, nor too much ridicule from scoffing and irreverent liberals. Among other ingenious manœuvres to this effect, they were now busy in selecting some unprovided member of the royal *clique*, to be imposed upon Greece, with as little consideration for the wishes of the interested parties, as they had formerly shown in subjecting Genoa to the King of Sardinia, Belgium to William of Nassau, or France to the Bourbons. The fact at length became known, that the choice of the Allies had fallen upon Prince Leopold of Saxe Coburg, and was made the subject matter of most vehement declamation against M. de Polignac, in consequence of the relation Leopold stood in as to Great Britain. All that had been said at first against Polignac, as being under English influence, as being the tool of Wellington, and so forth, was now renewed with tenfold fury.—What, said they: did the French fight the battle of Navarino, did they expend their blood and treasure in driving Ibrahim from the Morea, that the son-in-law of George IV., uncle and nearest male relation of the Princess Vic-

toria, the dependent pensioner of England, should be King of Greece? It seemed to their excited minds incontrovertible proof of the subservience of the Prince de Polignac to the ambitious views of Great Britain, and continued to be the subject of angry discussion, until other more deeply interesting topics came to supply its place.

The Ministers had now begun in earnest to set about an expedition against the Dey of Algiers, with whom France had long been at issue, without taking any very decided measures to bring the controversy to a close. Had they undertaken the expedition in good faith, and with singleness of heart, solely for the vindication of the honor of France, it might have been serviceable to the reputation of themselves and their master. — But they had been so baited by the liberal party, that they could undertake nothing, they could think of nothing, except as it bore upon the question of their ministerial popularity, and the success of their conspiracy against the Charter. Therefore, instead of going to war with Algiers in order to punish a violent horde of pirates, as England had done not long before; instead of going to war in Africa to make a rich and valuable conquest, as England was doing every few years in Asia; instead of pursuing either of these objects, M. de Polignac entered upon war as an electing manoeuvre, hoping to divert public attention from his domestic plans by giving it new occupation abroad and to strengthen himself in the public favor, by providing food

to gratify the passion for military glory, which so generally prevails in France. But, detecting and exposing his purpose with their customary readiness and address, the liberal party converted even this far fetched scheme of popularity into an additional ground of public condemnation and disgrace.

Events now began to assume that rapid march, which had been so long preparing by the discussions and agitations, whereof we have thus far been occupied in giving an account. The Legislature met at the appointed time; and the remarkable part it performed may warrant some details as to the parties which composed it, and the prominent men in each party. While every one knew familiarly the general division of each Chamber, attentive observers could go further, and single out fractions of the several great parties, sometimes almost as hostile to each other, as the primary parties themselves. Beginning with the Chamber of Deputies as the popular and elective branch, we shall then add a few words concerning the Chamber of Peers. Conspicuous in the Chamber as the professed friends of the crown was the *Contre-Opposition*, the administration party, that is, commonly known from their local position as the Right. In this section you might see some, who, independent royalists, having come to the Chambers with sentiments rather unfavorable to the constitutional system, had learned to admit the necessity of it for the safety of the throne, as well as for the tranquillity of France. These men formed a valuable ingredient

of the Chamber. They were constitutionalists in good faith, always inclining, nevertheless, to strengthen the royal prerogative. They spoke a constitutional language, respected the Charter, and had resigned themselves to follow its forms, without seeking to infringe or nullify it. In the same general division were men, who, feeling as if the great question still was between Royalty and the Revolution, were disposed to sustain the Government in its political weakness, but who, guided by conscientious motives, stood ready to repulse all jesuitical influence, and to demand economy in the public expenditures and a proper consideration of the public welfare. There, also, it is certain, were some men whose whole souls were given up to the *contre-révolution* in its purity and simplicity, who had reproached all past administrations for not rushing fast enough in a retrograde career, who hailed with joy the advent of Ministers after their own heart, and whose only fear was lest a lingering scruple of timidity or indecision, should so check the lib-  
 erticide dispositions of M. de Polignac, as to save the Charter yet a little while. And associated with these last were some few fanatical *congréganistes*, urging the Government to give free scope and career to the movements of the Jesuits. Such were the *Contre-  
 Opposition*.

From the very commencement, a large third of the Chamber had consisted of the old and constant friends of liberty, headed by the men who had ever been true to France. We may be sure their

numbers had not diminished under the *conceding* ministry of Martignac, nor their zeal under the *non-conceding* ministry of Polignac. These Deputies, strong by their talents still more than by their numbers, might be regarded as the type of a true national representation. You saw there the choice spirits of France; *illustrations* of every class; the delegation of the genuine interests of the Nation; *les gloires* of the army, of science, of literature, of philosophy, of the bar; the eminent names among the great landholders, the capitalists, and the manufacturers; the old *celebrities* of the year 89 and the new ones since aggregated to their noble phalanx. Whatever shades of division might exist among these soldiers of the Charter, however they might individually desire to infuse more or less of liberty into the institutions of their country, they were firmly united in one thing, and that was, determined hostility to the Polignac Ministry, their measures, principles, and intentions.

Neutrality and moderation in politics, however patriotic the motive of the individual professing these qualities may be, are never held in high favor in a great national crisis. Neutrality is apt to be considered the retreat of unserving men, who have not independence enough to throw themselves frankly into the ranks of any decided party. Unquestionably, however, the right and left Centres of the Chamber contained many worthy men, who could not be accused either of timidity or of calculation in assuming a

kind of intermediate position between the widely sundered extremes of the Opposition and *Contre-Opposition*. Besides, it was but a few years since, that, of more than four hundred Deputies, only *thirty* were found to vote against the Ministers; and now they outnumbered their antagonists, perhaps, or at least were likely to do it with the aid of the Centre.

In characterizing the smaller subdivisions of this Chamber, a spirited author has said that the extreme Right consisted of the Jacobins of Royalty; the Right, of Royalists somewhat less furious than their neighbors; the Right Centre, of Royalists having a violent inclination to be reasonable; the Left Centre, of Royalists who desired a varnish of constitutionality over the solid advantages of ministerialism; the Left, of the sincere friends of the Charter; and the Extreme Left, of the Republicans, the Radicals, the insatiable.

La Bourdonnaye, who had just retired from office, had pretensions to be considered a leader of the Extreme Right, these paladins of the old noblesse, who certainly did more harm than good to the King by their extravagance. What party could be strengthened by a Duplessis-Grenédan, who had loudly demanded the re-establishment of the king and other atrocious barbarities of feudalism, and who opposed the law of indemnity because it did not wrench all the fragments of the national domain from the hands of innocent purchasers, and restore the very estates themselves to the old

proprietors? By a La Boesière, who deemed it a breach of the oath of allegiance to question the propriety of anything emanating from the Ministers? By a Salaberry, to whom the name of the Press or of the Charter, was as water to a subject of the hydrophobia? And if others, like Corbière, had more of discretion, talent, or knowledge of the world, they labored under a load of unpopularity, which rendered them of little avail in the present crisis. The *Contre-Opposition*, however, contained men, to whom it is impossible to deny the respect due to integrity and ability, although associated in positions with men, who were blindly hastening on a new Revolution. Martignac and Hyde de Neuville, independently of their numerous other claims to consideration, had earned a new title to it in being driven from the Ministry to make room for the vowed foes of the Charter. MM. de Conny, Delalot, and de Larochefoucauld with others of their class, might also be singled out from the ranks of the Right, as uniting great personal respectability with a creed, which comprised the Charter and the King, the Bourbons and France. The Right was to derive what aid it might from the Ministers themselves, at least from such among them as possessed capacity for the business of a deliberative assembly; and how weak they had previously been, in this essential element of a vigorous Cabinet, is rendered apparent by their calling Guernon de Ranville from a provincial bar to succeed La Bourdonnaye, on account of the rhetor-



ical powers and supposed parliamentary talent of the former gentleman.

How differently constituted was the Opposition in all the elements of national consideration and the means of exercising popular influence! Since the Three Days their names have become familiar to us by the deeds they have performed, or the speeches they have delivered, in the cause of the Charter. If the Left contained fewer of the old aristocratical families, which the Restoration had given back to France, it was rich in everything else, and in that respect even was not deficient. — If the La Fayettees and the Larochefoucauld-Liancourts, with genealogies running back into eras co-existent with the conquests of the Franks, were not numerous among the Opposition, who, among the *Contre-Opposition*, deserved to be matched with the Royer Collards, the Duponts, the Périers, the Dupins? Here were Firmin Didot, Lefebvre, Jars, Casimir Périer, Lafitte, Balguerie, Ternaux, Laisné de Villevesque, who brought to the deliberations of the Chamber a practical knowledge of the commerce and manufactures of their country, worth all the *sangre azul* in France; and several of them could be as eloquent in the tribune, as they were wise and well informed in the committee room. Among the great publicists and eminent mag-

istrates were Dupont de l'Eure, exhibiting a life of public usefulness and exalted public virtues in legislative and juridical functions coeval with the Revolution; Méchin, a contemporary of the last in the length of his public services, and distinguished for zeal as a debater; Béranger, a publicist, whom some of the American letter writers have absurdly mistaken for Béranger the poet; Dupin and Mauguin, practising advocates of Paris, equally distinguished at the Bar and in the Senate; and Schonen, a counsellor of the Cour Royale of Paris of the highest reputation for talents and patriotism. It is one of the distinctions of science and letters, that they diffuse a reputation far beyond the limits of ordinary political notoriety; and Royer-Collard, Etienne, Charles Dupin, Kératry, and Benjamin Constant, had more than a single claim to be known, whether, in or out of France. — Nor should we omit to mention the virtuous Labbey de Pompières, since lost to his country by death; or Louis, who had twice resigned the ministry of Finance rather than participate in acts injurious to his country, and was now a steady opponent of the Government or Sébastiani and Gérard, the former so well known as a diplomatist, and both as among the great generals of the Empire; or Laboulle, eminent as an author and a politician, and

\* We feel tempted to extract from a biographical work before us, a specimen of well applied humor concerning another of these military veterans. The Deputy, General Adam de La Pommeraye, says an author, is one of those brave soldiers, who are not ashamed of having planted the French colors on every Cathedral in Europe. He was a member of the Chambers of 1820, always voting with the Left. One day a certain Prefect being at the tribune, where he spoke rather ungraciously of our old

not less so as the generous dispenser of a noble fortune, and as a spirited public benefactor.

We need occupy but little time in speaking of the Chamber of Peers, which, from deliberating in private, attracted less of general interest, and has been almost passive in the changes of the Three Days. It contained two very distinct divisions, one of which would gladly have aided M. de Polignac in restoring the good old times, and the other would have preferred to let things remain as they were. It is observable that neither did all the ancient nobles belong to the first class, nor all the *novi homines* to the latter, but singular mixtures had occurred on both sides. Many gentlemen of name and arms had become reasonable by the influence of reflection and experience. Such were MM. the Ducs de Montemart, de La Vauguyon, de Choiseul, de Broglie, de Doudeau-

ville, the Prince de Talleyrand, the Marquis de Jaucourt, the Vicomte de Châteaubriand, the Comtes de La Ferronnays and de Laroche-Aymond, the Marquis de Catelan, the Comtes de Pontecoulant, de Ségur, the Duc de Praslin, and others who justly appreciated the mad schemes of the Government. They remembered what the *noblesse* had already lost in the unequal contest of parchment-privileges against force, they foresaw what it would again lose by another such struggle, and they sought to calm, by moderation and prudence, the exaltation and exaggeration of the wild apostles of a royalist revolution. Although sustained by the brilliant cortège of the titled heroes of the Republic and the Empire, by the great functionaries who had been the lights of their times, and who retained in old age the patriotic spirit of their youth, — although efficiently aid-

defenders, M. de La Pommeraye interrupted the Prefect with some sharpness, uttering an exclamation which the journals of the next day translated into the polite words, *You are a pitiful fellow!* Hereupon the orator demanded of his colleague, through the medium of the newspapers, whether the General had really intended to insult him; and M. de La Pommeraye frankly answered that he certainly did intend the words as an insult; to which the Prefect made no reply, being perfectly satisfied with this very interesting explanation.

Another Deputy is thus disposed of in the same work —  
Delarode (Yonne, ministerial). *Un clou chasse l'autre.*

M. Boutin, Deputy going out. What do you want?

M. Delarode, Deputy entering. Your place.

M. B. Are you a *centru*?

M. D. M. First let my colleagues will acknowledge me as such.

M. B. What is the duty of a *centru*?

M. D. To vote according to his conscience.

M. B. Where is the conscience of a *centru*?

M. D. In his interest.

M. B. Do you promise on your conscience to do as I have done, to vote for the Ministers, and to cry *question*! when occasion requires?

M. D. I promise.

M. B. Give the command.

M. D. Obedience and good night.

M. B. The sacred pledge.

M. D. *Villèle, quand même!*

M. B. It is well; take your place, vote, and prosper.

ed by such men, the Mortemarts and the Châteaubriands strove in vain to control a suicidal madness of policy, which they knew would work the destruction of the Bourbons, and had reason to fear would prove equally fatal in its consequences to the Chamber of Peers. Of M. de Pastoret, the perpetual President, we will merely add, that he had well attained his political elevation by a career of meritorious public services, having traversed the Revolution with honor. It was pointedly remarked of him, long before any body anticipated the catastrophe of the Three Days : — 'Il ne nuira jamais de lui-même à l'ordre établi ; mais, si on voulait le renverser, il laisserait faire.' The event has very strikingly verified this prediction.

Such was the Legislature, before whom the Ministers were now called upon to account, not for their measures, but for their existence in office. Anxious expectation filled every mind, and angry discussions were heard in every circle, as to the form in which this great question would come up, and the effect of any hostile demonstration on the part either of the Ministers or of the Opposition. Would the Minis-

ters resign if the Address of the Deputies should be against them, and a dissolution of the Chamber ensue ? The royalist journals said, no. 'The Address,' they argued, 'is of little consequence : if it is hostile, Ministers will put it in their pockets, and pursue their course as before ; they are not persons to retire because they are asked to do so. Let them hold firm ; the Address will pass for nothing ; and they will have the majority for the Budget.' Supposing this to be their course, and the Ministers to disregard the menaces of the Opposition, yet, if the latter should have the majority in the Chamber, what would or ought to be the effect of their refusing the Budget ? Would the Ministers then yield to the National Representatives ? Or would the King, indignant at such an interference with his pretended prerogative in the selection of his Ministers, dissolve the Chambers ? And if so, would he order a new election, thus making an appeal to the voice of the Nation ? Or would he undertake a *coup d'état*, in the hope of maintaining his ground by force ? These delicate and difficult questions were at length cut short by the unexpected arrival of the national crisis.

## CHAPTER XII.

### FRANCE, CONTINUED.

*Meeting of the Chambers — Speech of the King. — Address of the Deputies. — Prorogation — Discussions — Dissolution of the Chamber. — New Ministers — Elections — Algerine Expedition. — State of Algiers — Cause of the War — Preparation. — Landing in Africa — Surrender of Algiers. — Colonization of Africa*

THE French Chambers assembled on the 2d of March. All France awaited with intense anxiety the result of this the most important legislative meeting which had occurred since the Restoration.

The King's Speech, at the opening of the session, after alluding to the probable termination of the negotiations with Greece, and the importance of the expedition to Algiers, concluded with these words: 'The Charter has placed the public liberties under the safeguard of the rights of my throne. These rights are sacred; my duty is to transmit them entire to my successors. Peers of France and Deputies of Departments, I have not of your co-operation in accomplishing the good which I wish to

accomplish. You will repel with contempt the perfidious insinuations which malevolence endeavors to propagate. If culpable manœuvres should raise up against my Government obstacles which I am unable — (he added on recovering himself) which I do not wish — to foresee, I shall find the power of surmounting them in my resolution to maintain the public peace, in my just confidence in the French, and in the love which they have always shown for their Kings.'

In weighing impartially these expressions, which occasioned so much heat, excitement and discussion at the time, and which had such a decided effect in precipitating the crucial moment, it seems close to us that the great error of the Speech was in its mal-adaptation to the sentiments and opin-

ions which then pervaded France. It appeared little better than mockery to speak of 'the love' which the French had '*always* shown for their Kings,' in sight of the half finished monument of the Place Louis Quinze, where the statue of Liberty stood within the memory of all men, and where Louis XVI., Marie Antoinette, and Madame Elizabeth perished on the scaffold. 'It was a compliment to the French no less equivocal, for a Bourbon to pretend a 'just confidence' in them, when they had seized on all occasions to inspire that family with well founded distrust, by killing four of its males within forty years, and only tolerating the residue from dire necessity. And to talk of the 'sacred rights' of a throne, which was, by the confession of the Ministers themselves, already shaken to its foundations by the assaults of revolutionary violence ; to propose to place the 'public liberties' under the safeguard of its crumbling fabric ; and complacently to hold up the liberties of the People in contrast with the rights of royalty : — all this would have been injudicious at any time, but at the present conjuncture was unspeakably ridiculous. It was, however, the denunciation of the 'perfidious insinuations,' of the 'malevolence' and of the 'culpable manoeuvres' of the Opposition ; and the implied threat in the concluding sentence, which roused the resentment, stimulated the resolution of the Chamber.

## The Opposition, feeling confidence in party with

a decided majority of the Deputies, proposed an Address in reply to the Speech, expressive of their determined purpose. The debates in the French Chamber have always been prone to assume considerable vivacity of manner; but never, since the Restoration, had an occasion arisen, in which the greatness of the stake could better have sanctioned the most earnest appeals of parliamentary eloquence. The royalists, conscious as they must have been of the probable issue, did not abate one jot of their confidence in language. They pretended the Charter was a mere gift of royalty, not a consequence or effect of the Revolution; nay, that it was a voluntary and an unexpected gift. All France, said M. de Conny, is counter-revolutionary, and now asks nothing of the Ministers, but that they shall consolidate the Restoration, combat and destroy the spirit of faction, unite the elements of an energetic power, and restore to the Departments their moral force, which they have been guilty of losing. M. Guernon de Lavarene declared that the attack upon the Charter was a royalist plot, and that the appointment of the new Ministers was an act of treason against the Constitution. He said that the Government were to be the cause of the ruin of the country, and that the most dangerous party in France was the majority of the Chamber. He said that the third Republic was a universal faction consisting of all the enemies of the Frenchmen, and that the only way to save the country was by the restoration of the monarchy.

of changes, and knows that a progressive system is a change, as well as a retrograde system. They cherish their King, they love to be governed by him, they repose confidence in his wisdom, and his love for his People. They wait for the acts of the Ministers; and as the only thing that they now know is, that the King has chosen them, his choice is a presumption in their favor, and not a reason for their condemnation. It is impossible, in any period of history, to find arrogant pretensions more strikingly contrasted with the real state of the facts.

At length the Address was carried against the Ministers, by a vote of two hundred and twenty-one to one hundred and eighty-one, and concluded thus:

Sire, the Chamber, which we owe to the wisdom of your august predecessor, and the benefits of which your majesty is firmly resolved to conserve, consecrates as a right the intervention of the country in the discussion of the public interests. This intervention must be, it is, an indirect, wise, moderate, and limited without being an interference with the executive power, the prerogative of the Crown. It is its right, and its reason, and its agreement with the principles of your Government. It is the expression of your People's confidence in the condition of the country, the object of public opinion, the result of public discussion, the result of public sentiment, and the result of public action. It is the expression of the confidence of the People in the Government, and the result of the confidence of the People in the Government.

now the fundamental idea of the administration. It afflicts your People, because it insults them; it excites their apprehension because it threatens their liberties.

'This distrust cannot approach your noble heart. No, Sire, France no more desires anarchy than you desire despotism. She deserves your faith in her loyalty, as she reposes faith in your promises.'

'Between those who misunderstand a nation so calm, so faithful, — and those who, with a profound conviction, come to confide to your bosom the sorrows of a People jealous of the esteem and confidence of their King, let the wisdom of your majesty pronounce. Your royal prerogatives have placed in your hands the means of securing between the powers of the State that constitutional harmony, which is the first and necessary condition of the strength of the throne, and of the grandeur of France.'

This Address by no means expressed, in all its parts, the concurring sentiments of all those who voted for its adoption. Many of them were avowed Republicans, who neither entertained that respect for the Monarch personally, nor for monarchy in the abstract, which is put forward in the Address. But such men felt willing to overlook expressions of that kind, and to adopt the whole as a measure of opposition. Had they been capable, at this time, of any other, of calculating his intentions, and rightly estimating the condition of the country, they might have saved

his throne for a while, and perhaps transmitted it peaceably to the Dauphin, by making the concessions, which the temper of the times demanded at his hands. A change of Ministers, a frank and sincere committing of himself to such projects of public improvement as the liberal party proposed, might have left him the popular King of a great nation, if it deprived him of the dubious honors of being the chief of an aristocratical faction. But with the infatuation of another James II., he rushed headlong on to his destruction, in spite of the warning voice of wisdom and experience. He immediately communicated to the Deputies his fixed resolution to persist in sustaining the Ministers, and ordered the prorogation of the Chambers to the 1st of September: it being well understood that he intended soon to order a dissolution, thus taking the chances of a new election, or at least procrastinating the contemplated blow at the Charter.

Charles X. was now at war with France. The nation had declared, in every form wherein such a resolution could be impressed upon the King, that his Government should not go on so long as the present Ministers remained in office; and he had so resolutely declared that he would, on no condition, relinquish his Ministers. An appeal to arms must even then have been witnessed as the probable, nay, almost the necessary issue of such a contention. But the Government of the last Budget would enable the

Government to continue in being until the next September, without the aid of a new vote of supplies for the interim, at least so far as to meet the ordinary expenses of the State. It is true that the expedition against Algiers required the concurrence of the Chambers; but the Ministers calculated, wisely enough perhaps, that if they carried their main object, of overturning the Charter, they should have no difficulty in disposing of the objections to any slight irregularity in the plan of the Algerine war. In the grand effort they were making to abridge the liberties of the people, they must, of course, either succeed or fail; there was no middle result. If they succeeded, the power would be in their hands, and all would go smoothly: if they failed, the trifling crime of neglecting one of the forms of law would be swallowed up in the monstrous one of attempting to alter the constitution of government. Until the month of September, therefore, they could await the final crisis, which they intended to meet, as much as they desired, it should take place, and have such time rendered as was necessary for carrying the force of their measures, and correcting their errors; their plans of resistance, resting upon civil war, were in the prospect of victory.

During the whole period which elapsed before the downfall of the dynasty, the Government was agitated in its measures by the prospect of a new election against Algiers, and of a new election for a new Chamber. But

discussions of the actual predicament of the Ministers, and of the complexion assumed by this great political question since the presentation of the Address, were not the less unremittingly pursued in the public journals. The same question had arisen in England; it will be remembered; in the reign of George III., when Mr Pitt was appointed to office against the voice of a majority of the House of Commons. Notwithstanding the vote of the House demanding his removal, the King adhered firmly to the selection he had made, and treated it as a matter narrowly affecting his prerogative, in the same way as Charles X. regarded it in like circumstances. Mr Pitt also maintained his ground by fair argument until the sentiments of the Nation were with him, and then, said not Mr de la, advised a dissolution, and the election of a new House of Commons. If Polignac had honestly endeavored to govern wisely and to the public satisfaction in the name of the Charter, he would have adopted the same course, and we might have hoped of some success. But unfortunately for France, he refused to revivify the Charter, or, at least, to give it more than a nominal existence; and, consequently, instead of securing the maintenance of the Charter, and its influence upon the public mind, he produced the prediction of its total extinction, so serious to the French Republic.

But what could he do? He could not refuse to sanction the pretensions of the Ministers, and thus leave Mr Pitt, to sanction his con-

tinuance in office in spite of an adverse vote of the elective branch of the Legislature; and if his purposes had been constitutional and fair like Mr. Pitt's, might have ventured to repeat the experiment; but even in the latter case such a course would have been wholly inadvisable, considering the question as one for a patriotic Minister to decide, with reference to the welfare of his King and his country. It was more madness to stake the existence of the Monarchy itself upon a metaphysical abstraction, a point of transcendental right, not worthy to be weighed an instant of time in the balance with the exigencies of the public service. For, to recur once more to the example of England, whose constitution M. de Polignac said was the study of his life, how often has it happened there that Ministers had resigned because they had lost the confidence of Parliament: how often have Kings retained in, or appointed to, office, some individual unacceptable to themselves, because he possessed the confidence of Parliament. It is, in fact, the experience of every day. True, the King by his prerogative has the right to select such Ministers as he sees fit, and these Ministers may remain in office whether they are agreeable to Parliament or not. But, on the other hand, Parliament has an extreme right to reject the propositions of the Monarch, without relating to any other subject, anything else. The question as to such a procedure, on the part of either, is that



the country suffers meanwhile. And with just as much reason as Charles alleged that, to vote against his Ministers as such, was an attack on his prerogative in their appointment, with the same propriety might the Chambers allege that, in demanding of them a vote of supplies whether they had confidence in the Ministers or not, the King was invading their privilege by the Charter.\* As a question of abstract right, therefore, it was absurd for the King to assume the ground he did; because it should have been considered and decided as a question of public good and of political expediency. Both parties had a right to insist, and each had certainly as good a right to recede. By refusing to yield, the King embarrassed the public business and filled the country with contention, discord, and civil war; by gracefully yielding he would have prevented all this injury to the country, and would have preserved the throne to himself, instead of throwing it away upon an idle punctilio of personal pride.

We stated, in mentioning the prorogation of the Chambers, that the dissolution of the Chamber of Deputies was expected soon to follow. In anticipation of this event, the liberal party had been busy in preparing for a desperate contest. The Ministers appeared to think that the imposing spectacle of the preparations against Algiers was enough to conciliate for them the good will of the electors; and on the 17th of May an ordinance was published dissolving the present Cham-

bers, ordering the meetings of the Electoral Colleges for the 23d of June and the 3d of July, and that of the two Chambers on the 3d of August. 'From this time to the conclusion of the elections,' says Dr Lardner's valuable Retrospect, 'a scene of political activity, and paroxysms of political energy, were exhibited, which are seldom witnessed even in times of revolution. The names of the two hundred and twentyone, who voted the hostile Address, had been published. Their courage and constitutional principles had been applauded to the skies for two months in almost every journal in the Kingdom; and their re-election was now called for, not only as a reward for their patriotism, but as a defiance of their enemies. Manual of the electoral laws were printed by a liberal association in all the liberal papers, and purposely scattered among all the electors of the Provinces. The Committee for managing the elections in Paris sent around their lists of candidates for all the Electoral Colleges. Committees were also formed in every Department or Electoral District, to watch the proceedings of the Prefects and other agents of Government, to examine the lists of electors, to restore the names of persons who had a right to vote, to detect fraud or imposition in those who had not, and to prosecute before the tribunals all infractions of the electoral laws by the吏 or through the connivance of the administration. The Ministry, on their side, were equally active; but their efforts

were totally inefficient against the overwhelming force of their adversaries.

We know not what inconceivable insatiation of mind could have induced the Court, at this time, to remodel the Cabinet, and especially to introduce the individuals, who now entered into it. M. de Courvoisier could hardly be suspected of revolutionary tendencies, and his pliability of character would have been likely to keep him in the traces with his fellow-ministers. But it seems that M. de Polignac could not trust him for the desperate effort that was now to be made. An ill regulated piety, by devoting him to the party of the Jesuits, was the assigned cause of his having so long adhered to the court-interest, notwithstanding his supposed attachment to constitutional principles. It has been said that he might take for his device, 'Liberté et Loyola;' and perhaps M. de Polignac feared lest Courvoisier should allow the former predilection to get the better of the last, in the view of the intense zeal of all France for maintaining the Charter. 'Courvoisier,' said a liberal writer in August, 1829, 'is good at bottom; appearances only are against him; ambition has induced him to commit an error, for which his conscience punishes him continually; and I should not be surprised if he had a falling out with his colleagues, and retired of his own accord, as he was not obliged to do in his orders.' M. Chateaubriand, at a high official station, but recommended to Polignac, it would

seem, for that which Courvoisier wanted, was appointed to supersede him in the custody of the Seals. A new ministry was at the same time created for Baron Capelle, that of Public Works.

But these changes were of comparatively minor consequence, considering the nature of an appointment made in the place of M. de Chabrol. This gentleman had remained in office during so many changes, that it was reproachfully said of him that he had a mania for devouring office, and so it was but an office, it mattered little to him what kind of one it was or whence it came. He possessed those convenient talents, which, united with general probity of character and considerable administrative capacity, enabled him to hold place in successive but very different Cabinets. But his good fortune drove him seasonably from this, and preserved him from a further participation in its treasonable designs. M. de Polignac, in providing a substitute, was determined, one would think, to have a man as unpopular as himself, hardly less odious than Bourmont, and equally harsh and violent in his politics with La Bourdonnaye; in order that, as La Bourdonnaye had resigned, and Bourmont was to command the African army, he (M. de Polignac) might not stand alone in his glory. Accordingly, he selected M. de Peyronnet, who had served through M. de Villèle's seven years as the *ame damnée* of 'the deplorable ministry;' and who was not less obnoxious to censure on account of

his personal character than his official conduct. To adopt Peyronnet as a coadjutor was a sort of desperate defiance of public opinion, an outrage upon the feelings of the Nation. It was equivalent to declaring on the part of Charles, that he and France being now irreconcilably at issue, it was no matter how unscrupulous in principle or detestable in reputation his agents may be, so they were prepared to enter into, and able to assist in, his plan for subverting the Charter.

M. de Peyronnet was created Minister of the Interior, such changes being made among the other members of the Cabinet as to admit him to this post. The immediate object of the arrangement was to bring into action his vigor of purpose, his activity, and his unshrinking readiness to go all lengths, in the hope that by means of these qualities he might be able to influence the pending elections. His office brought him into immediate contact with the multitude of executive agents, who are employed in the internal government of France; and it was upon this point that all his energies were concentrated, so as to spare no efforts of the Government to procure a ministerial majority in the new Chamber. In furtherance of this object, the Ministers addressed circulars to the *employés* in their respective Departments, requiring of them to purchase a continuance in office by blind devotion to their Chiefs, and thus openly setting at naught the whole theory of the Charter, which gave to every man the right

of voting according to the dictates of his conscience, without accountability therefor to the Government. Nay, a proclamation was addressed to the People in the King's name, with a view to overawe the Electoral Colleges, but which had the effect of adding new stimulus to the excited feelings of the liberal party, or rather of the great body of the Nation, for the two expressions are convertible.

Notwithstanding, therefore, all the unconstitutional efforts and humbling manœuvres of the Government to break down the freedom of elections, their intrigues failed of the intended effect, and the result of the ballot was a signal triumph of the constitutionalists. Owing to a great number of disputed cases growing out of the method allowed by law for ascertaining the correctness of the electoral lists, the elections could not all be accomplished on the days originally fixed for that purpose, and the 12th and 19th of July were appointed for their completion. When the returns were all received, it appeared that forty-nine persons were added to the liberal representation, the numbers being two hundred and seventy-five, one hundred and forty-five, without taking into consideration, upon either side, fifteen who remained unreturnable. More than two hundred of the old members, who voted the famous Address, were elected, although the whole spirit of royal indignation and royal vengeance was directed especially against them; and France stood thus directly

pledged, as it were, and committed past redemption, to the principles of that Address.

This triumph of the liberal party was the more signal, inasmuch as it was effected, not by the agency of a turbulent democracy of the poor and dependent classes of men, who might be accused, however unjustly of levelling principles and feelings. In France, the representation was based altogether upon property. By the complicated system of the Electoral Colleges, the elections were altogether in the hands of the richer citizens, or at least the poorer classes were excluded from any direct participation in the elective franchise. — The qualification was territorial, being the payment of 300 francs annually in direct taxes; and a comparison of this with our own system will enable every one to judge of its operation. Nor is this all. The great proprietors were allowed a *double vote*; that is, they voted in two separate Colleges, by virtue of one of the ingenious arrangements of past Ministers for throwing all power into the hands of the aristocracy. Two sets of Electoral Colleges existed, the Colleges of Arrondissements, which returned two hundred and fifty-four Deputies, and the Colleges of Departments, which returned the remaining one hundred and seventy-six. Of the same individuals who composed the Colleges of Arrondissements, and who voted in them, one quarter part, namely, the quarter paying the highest tax, afterwards formed themselves into Colleges of De-

partments, and there choose additional Deputies. Thus the richest nobles and commoners exclusively elected two fifths of the Chamber, and the same individuals participated with the other property holders in electing the remaining three fifths; being in effect like the system in England by which a person may have a double vote, first in the election of Borough members and afterwards in that of County members, although different from the English system in form. It will be comprehended at once by means of an application to our own institutions. Suppose that of thirty-four members of Congress in New York, twenty were elected by the votes of all proprietors having an income of 600 dollars per annum, and that the richest quarter part of the same electors chose the remaining fourteen members; and that the systems were uniform throughout the United States. — We shall thus understand the nature of the double vote and the anti-democratic theory of the elections, about which the liberal party in France have so justly complained; and we shall the better appreciate the extent of the victory they gained at this time over the Ministers.

The conduct of the French elections presented a remarkable contrast to what might be seen in England on like occasions. In France, there was, it may be well supposed, abundance of zeal, and no want of vivacity of discussion or feeling; but we may look in vain for any traces of the wholesale system of bribery and corrup-

tion, which disgraces the elections in England. In the latter country, under the reign of rotten boroughs and aristocratic influence; if the franchise was held by a few persons, — by the burghage tenants, the corporation, the inhabitants paying scot and lot, the *pot-wallopers*, or any other combination, whether a rational or irrational one, of a small number of individuals, — they of course received their *consideration*, their *quid pro quo*, for the representative they very kindly sent to the House of Commons. If the number of voters happened to be large, they might view a contested election as a source of profit, and we have seen in the recent case of Liverpool how reckless they felt even as to the external decencies of corruption, if decencies it can be said to possess in any circumstances. But while scenes of frantic mob-fury, or of impudent undisguised bribery too frequently characterized the English elections, in France a picture of a far different kind was presented to the eye. The electors do not invite candidates to appear and contend for their votes, in France, in order that large sums of money may be presented to or expended among them; but, on the contrary, it has repeatedly happened that the same individual has been contemporaneously returned by several distinct Colleges. In fact, during the long struggle between the liberal and royalist parties, the decorum and purity displayed in the exercise of the elective franchise by the French, when compared with the violence and corruption, the

treating, feasting, and bribery attending it in England, afford a sufficient answer to the English sciolists, who have so often pretended that their continental neighbors were unprepared for the enjoyment of liberty.

It should be remembered that during the whole period of the elections, and the several months that preceded them, all France had been dazzled and animated by the preparations for the expedition against Algiers, and the movements of the African army; but wholly without producing the effect anticipated by the Ministers. And such was the singular fortune of the Bourbons, that in the last month of their expiring power, in the very July of the Revolution, they were destined to obtain by conquest an accession to the territories of France, which even in the days of her departed glory might have been considered highly important. For it is not a mere barren rock on the Mediterranean, like Malta or Gibraltar, which France has acquired in the capture of Algiers, but an extensive Kingdom in the most fertile regions of the continent of Africa.

We are accustomed to think of Algiers as common with the other Barbary States, as only a nest for a perpetual war with indomitable pirates. The nature of its relations, which European powers have had reason to masters of the Mediterranean shore of Africa, might well leave such impressions on the mind, were we not careful to recall, by an exertion of memory, the past condition of that part of the inhabited globe, and its

actual capabilities. It is but opening the book of history to find the populous and powerful Carthage, the capital of a great African Empire, reaching Spain, Sicily, and Sardinia in its dominion or influence, and yielding only at length to the irresistible genius of Rome. To judge of the commerce of the Carthaginians we must consider that there is every reason to believe they had circumnavigated Africa, returning to the Mediterranean by Egypt, and that it is by no means certain they did not find their way across the Western Ocean. When Northern Africa had ceased to be the rival, it became one of the granaries, of Rome; and was a wealthy and populous region, when the Vandals, in the fifth century, having left their name to half of Spain, crossed the sea, and founded a Gothic Kingdom in ancient Carthage, whence the Barbarian Genseric sent forth his expeditions to ravage and sack the Eternal City, and the miserable towns of Italy and Greece. If Belisarius restored Africa to the Empire again, it was but to prepare it to fall into the hands of another band of half-civilized conquerors, the Arabs, who made it that which it has since been in modern times. Happy the ravagers of Christendom, then, long occupation of Spain and parts of France and Sicily — for even in the latter countries traces of their presence still remain, — and even their sway in Africa itself have gradually given way before the fortunes of Europe.

Alger, Tunis, and Tripoli, it is known, have long had substantially the same political condition,

being each the capital of a considerable territory, nominally subject to the Porte, as the great head of the Mussulman Empire, but possessing much real independence. Preferring piracy to the lawful means of gain which navigation affords, Algiers especially has long been the scourge and the terror of the Mediterranean, and by the strength of its position and other natural advantages had been able to defy even the resources and the military talents of Charles the Fifth. The various Christian nations which occupied the shores of the Mediterranean, or who visited that sea for the purposes of commerce, continued for two or three hundred years to submit to the payment of a disgraceful tribute to the Dey as the price of exemption from ravage or capture, which did not prevent the Algerines from being almost constantly at variance with one or another Power, and thus having a pretext for plundering at sea or on land, and making captives to be reduced to a state of slavery. The principle on which this tribute was demanded seems to have had precedents among several of the European nations, much as we are accustomed to regard it with horror as one of the peculiarities of African and Moorish barbarism. The *black mail*, which the novel of Waverley has rendered so familiar to the admirers of Sir Walter Scott's works, seems to have been strikingly similar to the Barbary tribute. And the Sound Dues, paid in passing Elsinour to enter the Baltic, rest on no better foundation; being originally a composi-

tion exacted in the same way by the rulers of those who ravaged the north of Europe, as the Barbary cruisers did the south, and being now little better than a mere gratuitous tribute, continuing to be paid when it no longer is a consideration for exemption from pillage. But the Algerines, in applying to men of European and African stocks indiscriminately, the doctrine in regard to personal servitude, which Europeans would prefer to have exclusively applied to Africans, have gained quite their due share of odium in the eyes of Europe; and the piratical insolence and contempt of right, which so generally characterized their conduct have at length in our own times drawn down upon them the merited indignation of the great maritime powers, and thus finally led to the extinction of Algiers as an independent sovereignty.

The United States having commenced the task of bringing these obstinate sea robbers to reason, Great Britain and the Netherlands speedily followed our example; and her depredations upon the ships and citizens of a portion of Christianity were thus checked. But Algiers continued to receive tribute from various quarters, either directly *eo nomine*, or in the shape of diplomatic presents; and abated but little of her insolence towards the nations, which condescended to temporize with or submit to her barbaric policy. This subject, like the general question of African slavery, has received the attention of various of those European Congresses of the last fifteen years, which assume the right of setting up and

pulling down the weaker States, parcelling out provinces at will, and making or unmaking Kings, under various specious pretexts, of consulting the peace, tranquillity, or welfare of Europe. But it better suited the convenience of the Holy Alliance to make war against Freedom, than to unite in putting down Barbarism. Fortunately, the hereditary conspirators against the rights of mankind have lately received, or are in the course of receiving, their meet reward, in the revolutionary movement which is now shaking their thrones; and their mutual jealousies, which would not sanction any joint effort to chastise the Moors, have suffered Algiers to pass under the dominion of France.

At the time when the expedition to Africa was planned, war had already existed between France and Algiers for the space of nearly three years. It arose out of a trifling incident, so far as regards the immediate cause of it, although afterwards very weighty reasons of another kind were adduced in its justification. Algiers possessed claims on France for supplies furnished to the armies of the Republic in Italy and Egypt. We can judge for our own share whether it was likely to be an easy matter for the Bey to obtain a liquidation of these claims. The European nations have very peculiar notions as to international law, maritime rights, and so forth. England, France, Spain, Holland, Naples, — all thought it an insufferable grievance to be imposed by Algiers, when they were at peace with her, of a few hundred where each

of them, with not a tittle more of right, has despoiled the United States of as many thousands, on the great highway of nations. We suppose the Dey used to have some learned civil of prize law, or at any rate some convenient ordinance emanating from his own good pleasure, to justify his depredations; and on what better right have our citizens been robbed of so many millions of money by those Powers, which pride themselves upon their European civilization, and their superiority in national equity over the descendants of the Numidians? Again, the Dey, we doubt not, although he had no exchequer tallies, nor kept so much as a register of his receipts and expenses, yet believed that nations ought to pay their debts as well as individuals, and probably saw no good reason why the liquidation of a just claim should be put off for twenty years; and we profess that we can sympathize in the feeling he entertained, that in such matters a very odd system of national morals obtained in Europe. For thus it was with the claims in question, of Algiers upon France. Some years after the Restoration, a commission examined the matter and awarded the sum of seven millions of francs to the Algerine creditors of France; but the French Government saw fit to impound the money to meet some alleged claims of its citizens upon Algiers.

In this state of things, the Dey, weary of attempting in vain to obtain justice by means of the French consul, wrote to the King of France himself, through the

consul of a common friend. This application was left unnoticed. It happened in April, 1827, that the French consul, having some other business to transact with the Dey, waited upon him in full divan for that purpose; and the Dey embraced this opportunity to inquire why his letters were not answered. 'My master,' replied the consul, 'has no answer to make to a man like you.' This most assuredly was an extraordinary answer to be made to the Sovereign of the country by a foreign consul residing thereby the favor of that Sovereign; and the Dey was so highly incensed, that he lost his presence of mind, and struck the consul a blow with his fan. Reparation was demanded for the insult to France in the person of her representative and agent; and this being refused, or at least not being offered in terms satisfactory to France, she declared war against the Regency, and immediately commenced the blockade of Algiers. The war had lingered on for three years, nothing more than the blockade having been attempted in all that time. The Villèle and Martignac Ministers had been loath to come to close quarters by making an actual attack upon the fortifications of Algiers, — an enterprise in which so many had failed, and where defeat would redound in such deplorable disgrace and mortification. But other feelings now animated M. de Polignac and his colleagues.

M. de Polignac, as we have before hinted, unquestionably thought to divert public attention from his despotic measures by the brilliant spec-



tacle of martial preparation and triumph. He expected to gain popularity for his administration by flattering the military pride of the Nation; and he might feel not without hope thus to awaken some little spirit in favor of the Bourbons, should the expedition be attended with victories and final success. Whether he went so far as to suppose he might thus get a disposable force under arms to assist him in bearing down the People, we doubt; because, if he possessed the least forethought, he must have seen that the crisis would pass before any troops, however obsequious their disposition, and however rapid their movements, could be brought from Algiers to act against Paris. And we presume that M. de Bourmont, a brave man and able officer, might look to this occasion, as the means of acquiring military reputation sufficient to neutralize some part of the odium attached to his name; and he would therefore exert all his influence in the Cabinet to urge on the expedition, of which as it subsequently appeared, he was to have the command.

At the same time, the Government did not seek to disguise from themselves the difficulties and dangers of the expedition. No pains were spared to obtain all possible information from every quarter, domestic or foreign, which books or individuals could communicate. All the energies of the country, intellectual and pecuniary, were put in requisition to insure success. In the first place, the Minister of War himself, M. de Bourmont, was made com-

mand-in-chief, and Admiral Duperré, the first naval officer of the Kingdom, was joined with him to lead the naval forces. A numerous army, with appointments on a magnificent scale, a large and powerful fleet, and the whole apparatus of war fitted to the present state of military experience, were to be conducted by officers of tried skill and acknowledged merit.

Indeed, the nature and extent of the preparations may be judged of by the language of the liberal party at different times. When the campaign was first seriously talked of by the Government, it was strenuously and loudly condemned by the Opposition as a Quixotic enterprise against an African barbarian, which would probably fail, and would be of no permanent advantage if it succeeded. They dwelt upon the failures of other expeditions against Algiers, as affording too sure a presage of the fate of this. It was almost impossible, they said, to effect a landing, owing to the tempestuous character of the seas along the Algerine coast, the nature of the shore, and the facilities for opposing the disembarkation of an invading army. If a landing was effected, the soil afforded no shelter for horses or supplies for men, and the troops would be consumed by the burning heats of summer, and the harassing attacks of the Moors and Arabs, who were accustomed to the climate, and would have control of all the resources of the country. It was confidently predicted, therefore, that the French would either never effect a landing

or if they did, would be unable to reach Algiers by land. On the other hand, if the attack should be conducted by sea, as was done by the English under Lord Exmouth, the fleet, they said, would have to encounter a thousand difficulties from the elements, as the blockading squadron had already.

And after all, what permanent good would be accomplished by the bombardment of Algiers? The Dey would be reduced to submission, perhaps killed or deposed: but what then? A horde of pirates, like the Barbary corsairs, renegados and wild Turks, without principles, calculation, or public responsibility, could not be cured of their lawless habits by the same remedies, which applied to the European Governments. So that France was about to lavish her treasure and the blood of her sons upon a forlorn and chimerical attempt, which had no better inducement than a trifling insult inflicted on a French consul, who had fairly earned it by his impertinence.

Such was the cry of the Paris newspapers at the commencement of the preparations; and the English journals kept up the same croaking tone to the last, for reasons to which we shall presently advert. But the French changed their tone, when they found how admirably and effectually everything was arranged for victory. The Opposition then began to reproach the Ministers with the idle expense of such profuse and excessive preparations. They contrasted the material of this expedition with the great undertakings of Napoleon, & scoffing at

the inferiority of Bourmont, who, instead of seeking to accomplish great objects by the powerful combinations of military genius, had trusted nothing to skill or chance or talent, but was determined to crush a single city with mighty forces adequate to the subjugation of an empire. It was apparent that the Opposition took a double pleasure in reflecting thus upon the comparative inferiority of the Bourbons in military fame; doing it both to annoy the Ministers, and to counteract the impression the latter had expected to make on the popular mind by the expedition, and at the same time to lower and degrade the reigning dynasty.

To most of these biting sarcasms on their measures the Ministers made no other reply, than to continue their preparations on such a scale as at all events to conquer. This they were determined to do, whatever might be said. But to another part of the subject they gave an answer of a different kind. They were unwilling, it seems, to let the expedition rest merely on the ground of a blow given to a commercial agent, — and put forth an elaborate declaration, setting up a long succession of wrongs and grievances as the permanent justificatory causes of war. They alleged, among other things, that France possessed certain qualified territorial rights by a compact older than the Revolution, and that of these rights the French were now debarred by the Dey. Spoliations of French property on the high seas, of course, could be found at any time, if that were

needed as cause of war against Algiers. But the Ministers, not content with making the Dey answerable to France for his acts against the French, brought forward another ground of quarrel, in the depredations of Algerine corsairs upon property of subjects of the Papal States; — which Charles seemed to think he was called upon to avenge as a duty of religion to the head of the Catholic Church. In short, what with the unatoned for injuries of the last three years, and the other grudges of an older date, there was certainly no want of good reasons for the war, considering the subject in relation to the national honor and dignity of France. How largely it served her interest the result will show.

At length all the forces of the expedition were assembled in Toulon, ready for departure. The army consisted of 37,331 men, of all arms, with 4,008 horses, 400 large transports having been engaged for the conveyance of the troops, horses, munitions, provisions, and so forth, to Africa. — The military marine was not less imposing, being composed of nine ships of the line, twentyfive frigates, six corvettes, twentyfive brigs, and eight steamboats, besides bomb vessels and others of small dimensions: — making, together with the troops, a total force of 64,000 men. This magnificent fleet, with the powerful armament it conveyed, set sail from Toulon on the 25th of May, in the presence of vast crowds of spectators, collected on the heights to view the splendid spectacle. — The first division of the fleet came

in sight of the coast of Africa in five days afterwards; but the ships having been separated by a storm, orders were given to sail to Palma in Majorca, the place provided for rendezvous in anticipation of the event which had occurred. The expedition setting sail again the 9th of June, reached the coast of Africa on the 13th, and proceeded five leagues west of Algiers to the bay of Torre Chica or Sidi Ferruch, which had been selected as the place of disembarking. The French had always supposed that they should find the coast lined with troops prepared to dispute their landing; and they expected this from a consciousness that the enemy might easily make a stand there to great advantage. But the Dey had, in the blindness of his obstinacy, calculated otherwise; and left the French unmolested, at the very time when his exertions should have been the greatest. Early on the 14th the disembarkation of the troops and munitions was commenced, and continued without interruption until the 17th, when a violent tempest arose, and justified a singular precaution taken to meet such a contingency. The packages, sacks, barrels, and so forth, had been covered with a double water proof envelope, so that, if occasion required, they might be thrown into the sea and washed on shore by the waves uninjured. The plan was put in operation at this time with the happiest effect, and enabled the army to receive supplies from the fleet, in the midst of a hurricane, which rendered all ordinary communication with the shore utterly impossible.

The French were impatient for action, and advanced without loss of time to attack a body of the Dey's troops, which was entrenched at Staonli, about midway between Sidi Ferruch and Algiers. The position was easily carried, although not without some considerable loss in killed and wounded. Meanwhile the French were obliged to wait ten days for the arrival of their battering train, preparatory to marching on the city; and they were attacked in their turn on the 24th. On this occasion a son of General Bourmont received a dangerous wound of which he afterwards died. In his despatch the General touchingly alluded to this event in the following words: 'One officer has been dangerously wounded: he is the second of four sons who have followed me to Africa. I hope he may survive, to continue his services to his king and his country.' — Expressions which are said to have drawn tears of unaffected sensibility from the King. For several days the French continued to suffer from the assaults of the Turkish and African troops; but on the 29th their field-pieces arrived, and they set forward to the attack of a fortress commanding Algiers, called the Emperor's Castle. On the 30th of June the trenches were opened; and the construction of the batteries continued from the 1st to the 3d of July. During this time the fleet co-operated by firing upon the fortifications contiguous to the sea, so as to afford the Dey employment on that side, and prevent his concentrating all his forces for the defence of the

Château de l'Empereur. So much despatch was used by the French in constructing the batteries, that by the morning of the 4th everything was ready, and a fire was opened on the enemy at four o'clock, and briskly returned from the Castle for the space of four hours, after which the fire of the latter nearly ceased. At ten o'clock a breach was effected in the defences of the Castle, and the Turks abandoned it, having first taken measures, by the Dey's order, to set fire to the powder magazine, which exploded with a tremendous crash, blowing up a part of the fortress, and filling the air with flames, dust, and stones. The sound was heard at sea to the distance of sixty miles, and the shock filled the city and the fleet with consternation. No injury, however, was sustained by the besieging troops, which immediately took possession of the smoking ruins, and thus decided the fate of the city, which was now completely at the mercy of the French.

Seeing all resistance vain, and only calculated to produce effusion of blood, and the inevitable destruction of the city, the Dey sent a flag of truce to Admiral Duperré, who referred him to General Bourmont as commander-in-chief. The proposition was to indemnify France for the expenses of the war, and to restore the possessions claimed by her on the coast; but General Bourbon cut short all negotiations at once, by demanding the immediate surrender of the Casaubas or Palace of the Dey, the fort and all the fortifications, and assuring the mes-

senger that nothing else would save the city from bombardment by sea and land. The Dey was not long in agreeing to the terms of capitulation offered him, and hostilities were suspended until the morning, that the conditions might be explained to his council. On the 5th of July, accordingly, the convention was ratified, and the French took quiet possession of Algiers. The Dey was allowed to retire with his family and private property, to any place out of Africa that he might select; as also were his Turkish militia; and the protection of the French was assured to them all, so long as they remained in Algiers. All the other inhabitants of the Regency were promised security for their persons and property, and the unmolested enjoyment of their religion; and the General engaged upon his honor to respect their women. And thus the whole of Algiers, after having so long been a by-word of horror throughout Christendom, passed quietly under the dominion of France.

Exaggerated reports had been current respecting the treasure of the Regency, which rumor had raised to the sum of 200,000,000 of francs; and immediate search was made for it on taking possession of the Casauba. The French were greatly disappointed to find only 48,684,527 francs in gold and silver bullion or coin, and 5,000,000 of francs in merchandize; and as no regular accounts were kept by the Dey, it was impossible to ascertain how much, if any, had been removed or secreted. It is singular that nothing is said of any jewels or pre-

cious stones as forming part of the treasure; and perhaps the Dey and his counsellors took care to enrich themselves with these more portable representatives of wealth, leaving to the French only the bulkier riches in ingots and merchandize. In addition to which, we are to reckon the value of the shipping and munitions of war captured, including 1542 pieces of artillery, and we shall thus have a total of 60,000,000 of francs, as the whole amount of the booty obtained in Algiers. This proved amply sufficient to defray all the expenses of the expedition, leaving the acquisition of Algiers a clear gain, in addition to all the honor acquired by the conquest, and all the advantage gained by Europe in the breaking up of this great resort of African piracy.

We have spoken of this as a conquest, and we suppose, nay we sincerely and earnestly hope, it will be considered and retained as such by France. This question occasioned great agitation in that country previous to the Three Days, owing to the reciprocal jealousy of the French and English nations. The rumor generally received was, that the Duke of Wellington had demanded explanations of M. de Polignac on this point, and had received assurances that France did not contemplate the subjugation of Algiers with a view to retaining it. No doubt can be entertained, we presume, that such assurances were demanded and given. If they were, it only serves to show the pusillanimity and truckling spirit of Polignac, or rather perhaps this expectation that he might

need the aid of Wellington in furthering the arbitrary designs of the King. But the very suggestion of such a thing, as the surrender of Algiers in the event of its being taken, occasioned, at that time, paroxysms of rage and indignation all over France. What, said they; shall England go on acquiring one kingdom after another by force or fraud in Asia, by mere tricks of diplomacy, by engaging in wars of conquest on the most frivolous pretexts, by fomenting disorders in the bosom of independent states, and then assisting the weaker party with her arms to put down the stronger, and thus usurping the control of affairs, in short, by employing every instrument of art or violence to bring millions after millions within the sway of her already overgrown Indian Empire? Can England do this, and shall not France attack the outlaws of Algiers in a true and lawful quarrel, and take possession of their justly forfeited territory? — England is continually stretching her chain of colonies or factories along the coasts of Africa, wherever she can find or make an opening, and has obtained by conquest from a European state a vast territory of indefinite extent at one end of the Continent; and must France, to gratify her grasping Ally, condescendingly decline to plant a colony at the other extremity of it? Nay, should England be justified in gaining possession of Gibraltar, Malta, and the Ionian Isles, and thus having a line of strong holds as it were along the Mediterranean, to furnish her with means of annoyance

and vexation to the Mediterranean Powers; and could not one of those very Powers themselves venture to retain, after having lawfully acquired, a single new possession on the shores of the Mediterranean? These were the questions everywhere asked, when the subject of English interference in this matter was agitated; and the French had ample reason to speak in the language of resentment and wounded pride; for nothing could exceed the tone of overweening self-sufficiency, which characterized the remarks of some of the most respectable London journals in reference to the Algerine expedition, except the similar tone, which journals of the same political class are prone to employ in speaking of the United States.

The simple truth is, that England has imbibed a strange idea, that no Power is ever to extend its possessions excepting herself. From the moment the expedition to Algiers began to be talked of, the English periodicals displayed a fidgety anxiety on the subject, that would have been ludicrous, but for the unfair spirit, and false principles and views, which it betrayed. Every obstacle to the success of the war, all the storms of the African coast, the impracticable nature of the country, the amazing strength of the city of Algiers, with dark forebodings as to the fate of the poor Frenchmen, who were about to leave their homes to perish amid the deserts of Barbary, — such were the constant topics of the English newspapers. And of course, they said, France would not presume to think of making a permanent con-

quest; she would not dare without the approbation of England; and England would never consent that her rival should make any territorial acquisitions. Perhaps if Charles X. had continued in power he might not have presumed or dared to enjoy the advantages, which a righteous cause and the fortunes of war had placed in his hands. But times are now changed; and France, probably, would no more hear to any remonstrances of England on the subject of Algiers, than if King William should propose to reclaim all that Henry of Monmouth gained, or his son lost, in the heart of France itself. — England manifested the same weakness of nervous irritability in regard to our acquisition of the Floridas; but we have abided the murmurings of her journalists, with as little scathe as they have indicted on the French in regard to Algiers.

For ourselves, and as Americans, we repeat that, in our conception, not only France herself is to derive advantage, from her retaining possession of the whole territory of the Regency, and colonizing it as a French settlement, but Africa above all may hail it as the dawn of her restoration to the advantages of civilization, and the world in general have a right to view it as an auspicious event. It may excite the commercial jealousy of England, who is not particularly unwilling to have the monopoly of all foreign markets, and the exclusive privilege of establishing colonies, factories, and military posts along the coasts of Europe and Asia, Africa and America. But for that very con-

sideration it is important to us, and to all other commercial nations, that France should extend her commerce and strengthen her marine, in order that England may never again recover that overwhelming maritime ascendancy, which, previous to the last war, encouraged her to such extraordinary abuse of power in the oppression of neutral nations. To those, who remember the nautical history of England for the last forty years, and who have observed the great increase and prosperous condition of the French military marine at the present time, this will appear to be no unimportant aspect of the subject. And the advantage, which all mankind are to derive from the seas being forever cleared of the lawless Barbary cruisers, is too evident to require illustration or proof.

But as to Africa, so long given up to the domination of roving savages, — for what better are the wild Arabs? — so long known to us only as the *officina servorum* for all nations, — so long debarred of the blessings of Christianity and of its handmaiden civilization, what may not Africa reasonably expect from the establishment of an extensive French colony upon her Mediterranean shore? She may look, in the first place, to see the renovation of a portion of the agricultural wealth, the population, and the commerce of ancient Mauritania. And when the Numidians have been tamed by the authority of France, the interior of Africa will become accessible to the researches of intelligence and the progress of improvement.

Hitherto the exertions of beneficence have been directed to the western shores of Africa; and those exertions have been wasted in vain under the burning skies of the line, along a shore fatal to life by reason of the deleterious qualities of its climate, and amid hostile tribes brutified by the effects of the slave trade. In those noxious regions, noxious both morally and physically speaking, European colonies either perish of disease, or, like some of the little Portuguese settlements, assume the hue of mind and almost the hue of body, proper to the indigenous races. A broad *cordon* of malignant influences of every description seems to be drawn out along this unhappy coast, impenetrable almost to the hopes and efforts of humanity. But place a European people in Barbary, and circumstances change. The deserts of Northern Africa are a trifling obstacle to the approaches of civilization towards the centre of the Continent, when compared with the horrors of its Atlantic border. France will have the power, from this vantage ground, to push the innumerable benefits of European refinement into the heart of Africa. She will have the power, and we trust she will have the inclination, to do all this; but whether she has the inclination or not, if she retains Algiers, the mere indirect influence of her presence cannot fail to be serviceable. And we should therefore exhort her by all means to make good her footing in Algiers, even if it were not for her own great and immediate advantage.

And judging according to all the ordinary rules of human action, it is not to be presumed that France will voluntarily relinquish her hold on a conquest fairly acquired, and which it is for the general good of mankind she should retain, when the strongest considerations of her own individual interest are in unison with everything but the hypochondriacal apprehensions of England. Here is a rich and fertile territory, within three days' sail of Marseilles, fitted to produce all those vegetable treasures, which render the West Indies such a mine of wealth. France has been gradually stripped of one colony after another, until a few small settlements in America are nearly all she retains. England has robbed her of her colonial possessions in the Indian seas, and of the Canadas. She was compelled to sell Louisiana to us as the only means of rescuing it from a like fate. Hayti slipped off her authority during one of the fever fits of the Revolution. In Algiers she may find a colony calculated in some measure to indemnify her for her manifold losses of this description. And the arrangements begun by General Bourmont, and continued by his successor, General Clausel, all point to the permanent possession of the country. The Dey was conveyed to Italy in a French ship, and the Turkish troops were also removed; the tributary chiefs and local governors formerly subject to the Dey were notified that the French had assumed the entire authority of their late master; and courts of justice, with all the other incidents of regular government, were es-



tablished in due form, analagous to the practice of the British in Hindostan. General Clausel having discovered a refractory disposition in the Bey of Titer, a valuable dependency of Algiers situated in the interior of the country at the foot of Mount Atlas, very speedily brought the Turk to reason by despatching

against him a body of French troops, who took possession of his capital, and sent him prisoner to France. Everything, in fine, short of an express declaration of their purpose, indicates that the Government intend to consult the wishes of the whole Nation, in the disposition to be made of their new conquest in Africa.

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## CHAPTER XIII.

### FRANCE, CONTINUED.

*Consequences of the Fall of Algiers. — Ministerial Arrangements. — State of Parties. — The Ordinances. — Their Effect. — Protest of Journalists. — State of the Question. — Protest of the Deputies. — Police Arrangements.*

INTELLIGENCE of the capture of Algiers was conveyed to Toulon in about sixty hours by a steamboat, and thence by the line of telegraphs to Paris, where it arrived on the 9th of July. The King immediately ordered *Te Deum* to be celebrated throughout France, and he himself attended the service in the cathedral church of *Nôtre Dame*. A kind of veriginous madness appears to have seized on the King, the Dauphin, and the Ministers, from that hour. Elated with extravagant feelings of triumph, they deemed themselves sure of the same easy victory over the People, that they had achieved over the flying Bedouins of the desert. An absurd confidence in the support of the army, an almost insane audacity of purpose, an extraordinary delusion as to the spirit, and temper, and power of resistance, and organization of the Nation, all conspired to hurry on the weak Prince and his headlong advisers to swift destruction. In the course of the four or five days which followed the arrival of the news from

Africa, the Ministers wrought up their courage to the requisite degree of strength, on the faith of their late success in war, and resolved upon those memorable infringements of the Charter, which were to precipitate the King from his throne. It is said that M. Guérnon de Ranville and M. de Peyronnet were the last to yield their assent to the meditated *coup d'état*. They had confidence in their ability as public speakers, and were long disposed to try the effect of discussion in the Chambers. But M. de Polignac proved the evil genius of the Monarchy; for he, who had originally been alone in the nefarious project of overturning the constitution, now succeeded in bringing all his associates into the views of himself, and of the irresponsible advisers, who governed the King.

If they had been a revolutionary committee of old regicides, plotting the assassination of Charles and his family, they could not have conducted their operations with more of guilty stealth and elaborate secrecy. The compo-

sition of the Ordinances, and of the Report to the King or justificatory memoir by which they were to be accompanied, was not only executed by them, but even all the transcribing was performed by them, so that no clerk or amanuensis should have it in his power to divulge the portentous mystery. The Nation was amused with the most earnest assurances that no *coup d'état* was intended, no violation of the Charter, nothing like that, which was already fully decided upon and arranged in all its details; and these assurances were even extended to the foreign Ambassadors, who looked with natural anxiety on the threatening aspect of affairs. Nay, if rumor may be credited, Baron Rothschild, who, by his connexion with the public stocks, had a more direct interest in the question than any person except the Ministers and the royal family, was tranquillized by M. de Polignac with like deceptive declarations. Letters of convocation had been despatched to the Peers and Deputies, summoning them to meet the third of August. In short, a system of elaborate jesuitical duplicity and falsehood was adopted by these royal and noble scions, to conceal the conspiracy until the appointed time arrived for exploding their 'infernal machine.' Fortunately they cheated and deluded themselves even more than they did the Nation, and thus became the pitiable victims of their own folly and wickedness.

Reflecting upon the events of this period, it seems difficult to understand how any Ministers

could have been so ignorant of the state of public sentiment in France. The subdivisions of the Nation were by no means of the same kind with those of the Chambers. Opinions, to be sure, were in some sense represented by the legislative body; that is, individuals could be found there of each of the great classes of opinion, which divided the Nation. But the legislative representation was far from exact as a picture of the relative force of each party, and gave no sufficient indications of the existence or vigor of the two, which together comprised a majority of the People.

First there were the Ultras, the *Emigrés*, the Jesuits, the Church and King party, the *divine right* faction: for faction it well deserved to be called, as well in regard of its violence as the comparative smallness of its numbers. If they were few in number, they were desperate and uncalculating in policy, reckless of consequences and deaf to all argument or counsel. They had built up their project of absolutism with painful industry, and they clung to it with inexpressible obstinacy.

• You might as well  
 Forbid the sea for to obey the moon,  
 • As or by oath, remove, or counsel shake  
 The fabric of their folly.

They blindly pursued their insatuated course on the very brink of the precipice, over which their party could not fail to be dashed to atoms. They do not deserve to be ranked with the genuine Royalists, the sensible, clear-

headed, patriotic friends of monarchy, who sought in vain to preserve the integrity of the whole public system. These last were decidedly attached to the Bourbons as a dynasty, but not the less hostile to the Ultras, who were obviously rushing headlong upon destruction, and hurrying the King, the Charter, and themselves into one common ruin.

There was a name, a form, a memory, which, in the latter part of the reign of Charles, dwelt upon every lip, rose before every eye, held a hallowed spot in every bosom, and yet was proscribed by the Government with impotent fury in all the forms of petty persecution. That name belonged to a usurper, — perhaps to a tyrant, in the modern as well as the classical interpretation of the word, — and yet his form was multiplied in every work of art and taste, and his memory identified with all the glories and splendors of the Revolution. Bonaparte himself was no more ; the ‘Man’ had perished on a desert rock in the midst of the ocean ; but the ‘Son of the Man’ survived ; and an ague fit seemed to seize on every fibre of a Bourbon at the very thought. While the inane countenance of Charles Tenth and the common place actions of his family were woven by authority in the brilliant threads of the Gobelins looms, or fatigued the pencil of Gérard and Gros ; while Genius, yielding to the voice of Power, was vainly striving to immortalize the looks of men, who possessed an irresistible innate alacrity for sinking into oblivion ; while the poor King

was laboriously seeking for the honors of Art by the liberal use of the privy purse, — the inspired and inspiring features of Napoleon, and the achievements of his dazzling career, were independent of the sickly protection of Government patronage, and lived in the unbought guardianship of the Nation. The Press groaned with histories, memoirs, anecdotes, disquisitions, concerning him and his life ; and yet the supply seemed to fall far short of the insatiable demand. Sir Walter Scott’s eulogy on his character was denounced as a libel, — so inadequate did its praises appear to the craving admiration of the reading world in France. While the Government had no power to check the activity of the Press in thus affording exciting food to the popular enthusiasm, it was rendering itself ridiculous and exposing its imbecility by sending police officers to the distilleries of *eau de cologne* with orders to break the bottles moulded in Napoleon’s form, and persecuting the paper stainers who adorned the hangings they manufactured with such disagreeable reminiscences as the bridge of Arcola, the Simplon, or the Pyramids. In short, it needed but a careless eye to see that for once the Government had made a correct observation of a fact. Bonaparte’s was the *popular* name, the concentration of everything, which charmed the populace of France. It would be wrong to say that young Napoleon had a visible party ; he had not ; but the name was a magical word — a potent talisman among the lower classes, a portion of the soldiery,

the disbanded veterans, some men distinguished in civil affairs, and not a few of the higher military, who had grown familiar with victory under guidance of the imperial eagles. But numerous as the Bonapartists undoubtedly were, still as a body they could not be considered the most intelligent members of the community. Men of liberal views in matters of Government knew that his policy was that of concentration, and of course adverse to freedom. It was among the Republicans that the active wisdom, talent, and energy of the Nation were to be found. Here were the men of 1789, true to their first love; the relics of the exalted spirits of 1793, untamed by adversity, clinging in old age to the flattering visions of their youth. Above all, here were the educated and enlightened men of the present generation, the mind of young France, animated by the example of the United States, looking to that country as the pattern of all that is perfect in the theory of Government, all that is useful in its practical application. They constituted a party, — a powerful, numerous, indefatigable party, — ardently attached to republican forms, but willing to dispense with the forms if they could make sure of the substance; temperate and prudent in their plans as they were patriotic in their feelings; and they were gradually working the regeneration of France by preparing her to be fit for the blessings of liberty.

In such a condition of parties, what were the indications, which encouraged the Ministers to in-

vade the Charter? We know not, and they cannot tell, where they discovered any grounds of confidence whereon to proceed. A free Press had been sounding the tocsin of alarm for eleven months. The aristocracy had no power as such; for none could it have after the abolition of the rights of primogeniture. The clergy were divided, unpopular, and without influence. A violent excitation of sentiment pervaded the whole country. The elections had proved the force of popular right, even in spite of the artificially devised system of electoral colleges. All men felt ready to act upon the maxims and motto of a patriotic society, which assumed for its title '*Aide toi, le Ciel t'aidera.*' The People were conscious of their rights, confident in their power to sustain them, and ready to do all and dare all, rather than submit to any arbitrary acts on the part of the King.

It has frequently been observed that the situation and character of Charles X. of France were strikingly similar to those of James II. of England. M. de Polignac might have taken warning from this instructive page in the history of princes, when he saw the readiness of the People to run out the extraordinary parallel to its consummation. In England Charles I., by singular alternations of weakness and obstinacy, contributed to bring on the revolution which led him to the scaffold; and in France Louis XVI., wonderfully like Charles in his virtues and his failings, had reached the same result by the same means. In France as in England

wild utopian schemes of Government, sanctioned by various factions, afterwards agitated a country given up to the usurpation and tyranny of legislative assemblies. The dictatorship of Cromwell followed in England, as that of Napoleon did in France, the military glory and personal talents of these extraordinary men having proved too powerful for the public liberties, while no legitimate monarch ever reigned with greater dignity, or with a truer perception of what the internal welfare of his country required. The Restoration came next; and it needs only the same full development of the history of Louis XVIII., to show how much the one voluptuary resembled the other in his character and the policy of his Government. To each a brother had succeeded; and who could deny that Charles X. was the very *double* of James II. The same weak unreasoning obstinacy impelled each to attempt the overturn of the Constitution, which he was sworn to maintain. Charles X. was not yet dethroned, for the climax of his arbitrary attempts was to come. But everybody was following out the analogy. It was unfolded in the newspapers, discussed in conversation, present to every mind. All the world seemed to say to the King: If you undertake the same enterprise, you must expect the same fate; for your kinsman of Orleans stands ready to play the identical part here, which William of Nassau enacted in England.

It was in such a state of parties, in a crisis like this, when the whole Nation was expecting occasion for oppugnation and pre-

paring to display it, that Charles undertook to assume the swelling port of absolute power. To the only faithful counsellors of his family, he seems to have held the obsolete doctrines of Leontes, forgetting that this was the age of revolutions, constitutions, and equal rights, and not that of the *jus divinum*:

Why need we  
follow

Commune with you of this? Nor rather  
Our forceful instigation! Our PREROGATIVE  
Calls not your counsel; but our natural  
goodness  
Imparts this; — which, if you, or stupefied,  
Or seeming so in skill, cannot or will  
not,  
Relish as truth, like us, — inform yourselves  
We need no more of your advice; — the  
matter,  
The loss, the gain, the ord'ring on't, is  
all  
Properly ours.

No reasoning, in fact, could turn back a man, who had acquired the obstinacy of anility without its maturity of wisdom or discretion of character. A brilliant levée was holden at Saint Cloud on Sunday, the 25th of July, at which the members of the Cabinet, the *corps diplomatique*, and the *habitués* of the royal saloon, assembled for the last time to grace the Court of Charles Tenth. Those who were in the secret of the meditated *coup d'état* carefully disguised their feelings under a cheerful exterior; and the great body of courtiers felt easy amid the assurances, direct and indirect, which were holden out to them by the parties to the conspiracy. The famous Ordinances were signed on the same

day, after the close of the levée, and carried to Paris by one of the Ministers to be inserted in the next *Moniteur*. The Keeper of the Seals himself, M. Chantelauze, who had drawn up the Report of which we have already spoken, sent for M. Sauvo, the conductor of the *Moniteur*, to receive the Ordinances for publication. M. Sauvo found M. de Montbel with M. Chantelauze, the two Ministers both exhibiting the greatest dejection in their manner; and he did not disguise from them his own consternation, when he came to understand the nature of the Ordinances.\*

Of these Ordinances one suspended the liberty of the Press, another annulled the election of the Deputies, and a third arbitrarily changed the constitution of the future Chambers. The Ordinance relative to the Press consisted of nine articles, which placed all the journals, of whatever kind, under the strict *surveillance* of the Police, so that no periodical writing should appear without authorization, to be renewed every three months, and liable at any time to be revoked or suspended. Had these provisions been constitutional in form, they would have been oppressive to the last degree; but as the Charter assigns the regulation of the Press to the laws, that is, the concurrent acts of the King and the two Chambers, this Ordinance was a palpable violation of the Charter.

The second Ordinance is brief and pithy. After setting forth as a preamble the 'Being informed

of the manœuvres, which have been practised in various parts of the Kingdom to deceive and mislead the electors during the late operations of the Electoral Colleges,' it merely ordains that '*The Chamber of Deputies of Departments is dissolved.*' Such are the words used, but they are altogether false and deceptive. No Chamber of Deputies then existed. Individuals had been elected to be members of a future Chamber hereafter to be organized; but as yet there was no Chamber. The words of the Ordinance, to speak the exact truth, should have been: 'The late elections of Deputies of Departments are annulled;' — for this and this only was what the Ordinance did, under the jesuitical pretence of exercising a constitutional power to dissolve the Chambers.

To comprehend the remaining Ordinance it is necessary to call to mind the actual and past state of the laws for the choice of Deputies. The Charter provides that, 'The Chamber of Deputies shall be composed of Deputies elected by Electoral Colleges, the organization of which shall be determined by the laws' (art. 35); and that 'Each Department shall have the same number of Deputies that it has had *until the present time*' (art. 36). Previous to the law of June, 1820, the number of Deputies had been 258, all returned by Electoral Colleges, of which there was but one for each Department, and consisting of the whole body of qualified elec-

\* For Ordinances, vide second part, page 180.

tors, voting altogether, or in sections, according to circumstances (Loi 5 Février, 1817). After a few years' trial of this system, it appeared to operate too favorably for the democratic principle, and the Ministers devised the ingenious legerdemain of the *double vote*, of which we have before spoken, to augment the power of the aristocracy (Loi 29 Juin, 1820). The Electoral Colleges already subsisting were suffered to remain in substance, with the right of returning the 258 old members as before, only divided into permanent sections, called Colleges of Arrondissements. At the same time 172 new members were added, to be chosen by bodies called Departmental Colleges, composed, says the law, 'of the electors paying the highest tax in number equal to the fourth part of all the electors in the Department' (art. 2). These 172 Deputies, be it observed, were created by a ministerial manœuvre for the sole purpose of giving the nomination of two fifths of all the members to a select body of the aristocracy, in the hope that a small portion at least of the other three fifths would continue favorable to the court-party, so as thus permanently to secure a majority to the Ministers. Of course, this addition to the Chamber and the mode of electing the additional members, had always been vehemently censured by the liberal party, whose influence was thus greatly abridged. One thing more is to be remarked, namely, that the members of the elective Chamber are in the language of

the Charter styled 'Deputies of Departments' (art. 50). This expression would seem to be the true legal denomination for *all* the Deputies collectively; and it is thus applied even in the Ordinance of July 25th, for dissolving the Chamber.

We have premised these explanations in order that our readers may fully understand the mingled meanness, affrontery, and tyranny of the Ordinance relative to the elections. It begins by providing that, 'Conformably to the articles 15, 36, and 50 of the Constitutional Charter, the Chamber of Deputies shall consist only of Deputies of Departments' (art. 1); and that each Department shall have the number of Deputies allotted to it by the 36th article of the Constitutional Charter' (art. 3). Such are the very terms of the Ordinance; and when we come to render these cabalistical phrases into something more intelligible to us vulgar sublunary mortals, it will be admitted, we think, that M. de Peyronnet, the author of this Ordinance, had practised very diligently upon the maxim of the honest diplomatist, who defined words to be 'instruments employed for concealing one's meaning.' The signification of the latter article is, 'Henceforth the Chamber of Deputies shall contain but 258 members;' thus repealing the law of June, 1820. The signification of the other article is equally abstruse and recondite, and is veiled in a most contemptible quibble. If the sentence had been worded in the simplicity and directness of an honest purpose, it would



have been, 'Henceforth the Deputies shall be chosen by the Departmental Colleges alone.' The singular phraseology actually employed was adopted in a spirit of low cunning, in order to have it seem that the Ordinance was but a restoration of the Charter. So far as regarded the number of Deputies contemplated by the Ordinance it was indeed a return to the Charter; but if the 172 new members elected under the law of 1820 were all unconstitutional, by whom were they introduced and for what purpose? Were they not the creation of the Government? Was not their creation a mere trick, a device, a far-fetched expedient, to enable the Government to return members favorable to themselves, out of the ranks and by the votes of the high aristocracy alone? But what right had M. de Peyronnet to assert, as he impliedly did, that the Deputies chosen by the Colleges of Arrondissements, that is, by the whole body of electors, were not Deputies of Departments within the true intent of the Charter? He undertakes virtually to affirm that none, but Deputies chosen by the newly invented Colleges of June, 1820, are Deputies in any sense, and by force of this notable discovery disfranchises at once all those electors, who under the law of 1817 voted either in the mass or in sections, and under the law of 1820 were permanently organized into sections. The whole electoral power was thus thrown into the hands of the famous 'fourth part,' — les électeurs les plus imposés, — nothing being assigned to the other three fourths but the right of nominating a list

of candidates, out of whom the 'fourth part' should choose half the Deputies.

The Ordinance, of course, never took effect, and therefore is only important in a historical point of view. It was illegal in the same way the others were, inasmuch as it did that by royal decree, which according to the Charter could only be done by enacted laws. It operated in fact a total change of the whole constitution of the Chambers. We have taken pains to give a just account of the mode in which it was devised, because this does not appear to have been well understood out of France, and could not be, indeed, without careful examination of the pre-existing laws on the subject. We should add that another Ordinance convoked the Electoral Colleges according to the new system, and appointed a meeting of the new Chambers that were to be thus unconstitutionally elected, for the 28th of September.

When these ordinances appeared in the *Moniteur*, and began to be generally known, as they were read in the gardens, *Cafés* and *Cabinets de Lecture*, nothing could exceed the consternation they universally occasioned. People in general had, perhaps, been lulled into comparative tranquillity, supposing that the great struggle would not take place until after the regular meeting of the Chambers. They supposed it would be so, because they presumed the King would act with some degree of discretion, and they saw the manifest advantage to him in having the crisis deferred until the Chambers should take some step

of a violent or unreasonable character, so as to give a color of necessity to his arbitrary designs, and thus make sure of the sympathies of Europe. They supposed it would be so, because they saw no token of preparation, on the part of the Ministers, to encounter a popular movement. And they were astounded at the profligate audacity of the Ministers, in thus rooting up all the dearest bulwarks of the Charter at once, and in a manner as insulting to the sense of the Nation, as it was destructive of their liberties. But indignation, a determination to make a stand for their rights, desire of organization, and a looking around for means of resisting the Government, soon took the place in the minds of all men, of the stupor and amazement of the first impression. The leading spirits saw that it was a crisis for boldness not for caution; for action, not for deliberation. The *casus belli* had arrived. If a single encroachment on the Charter had come at a time, the liberals might have doubted and reasoned and calculated, and waited for the next blow, before making a demonstration themselves; but here was a sheet of the *Moniteur*, abolishing the Charter as it were in a paragraph, — here were the guarantees of the public liberty dashed out at once by a single bold sweep of the ministerial sponge: — and the emergency left no alternative to the Nation but slavery or civil war. They could not hesitate which to choose.

Paris contains an extraordinary proportion of intelligent residents, who, by education, taste, or

principle, have always been zealous friends of the popular cause. Vast numbers of schools and colleges, frequented by ardent young men thrown loose from the restraints of domesticity, have at all times furnished busy agents in the political movements of this remarkable city. A spirit of liberty was a distinguishing trait of the great scholars and writers, who gave celebrity to the literary departments of the seminaries of education, to which we refer. — Cultivators of the fine arts, men of letters by profession, from the humbler writers for the daily Press or the stage, up to the great names of the Institute, a host of men connected with the professions of medicine and law, — in short, most of those who depended upon the culture of their understandings for subsistence or for fame, were as a matter of course opposed to the policy of the Government. It would be instructive to inquire why it is that, in France, the intellectual classes are so generally found on the side of the public rights. An American would feel no hesitation in saying that it was the homage of reason to the cause of liberty; a French Ultra would be driven at least to admit that the Bourbons must have played the game of despotism badly, to have driven from them all the enthusiastic hearts, all the brilliant geniuses, all the cultivated minds of a Nation, which had nearly worshipped the iron sceptre of Napoleon. But remarkable as it is that a vast majority of the classes we have described should have been found ripe for Revolution, it is more so

that the great proprietors, the extensive manufacturers, the wealthy capitalists, should have embraced the same cause, with a certainty of encountering great hazards in a pecuniary point of view, and the probability of sustaining immense losses. Such, however, was undoubtedly the fact; and when we add to the individuals already designated, the *commis*, the disbanded soldiers of other days, and so forth, men who are generally better informed than the ordinary *bourgeois* of a European city, we shall find a most imposing aggregate of intelligence on the side of the popular interest at this emergency, without reckoning those veteran politicians by profession, who, in the Chambers or elsewhere, fixed the attention of all France.

The publication of the Ordinances was the signal to the trusted men of the liberal party to confer on the measures, which it behoved them to adopt in self-defence. Fortunately they possessed means of organization, which, if less perfect than the catenation of *bureaux* by which the Government were accustomed to act, were yet sufficiently complete for all the purposes of the occasion. Many of the Deputies were already in Paris, either because they resided there, or as having arrived in anticipation of the coming session. Couriers were despatched into the country to General La Fayette, M. Lafitte, and other influential men, who were near enough to be accessible. It is said that patriotic societies facilitated the adoption of concerted measures, some of these societies being pub-

lic, such as the association called 'Aide toi, le Ciel l'aidera,' formed to aid the liberal party in the late elections; — others of a secret nature, which had been aiming at higher objects, and had veiled their very existence in mystery to avoid the visitation of the laws. We know not how far the events of the Three Days may have been planned and settled beforehand by the leading liberals; but there is every reason to believe that resistance was deliberately decided upon, and all feasible means adopted to make that resistance effectual. If the liberals actually possessed the *Comité Directeur*, which afflicted the wisacres of the *Quotidienne* so much, now certainly was the time, and here the proper sphere for calling all its energies into action. We shall see hereafter that the leading members of the party did not shrink from any responsibility, which armed resistance to the Government might involve.

On Monday, however, little occurred to open the eyes of the Ministers to the fatal step they had taken. The Government neither saw nor anticipated the civil war, that was to burst upon them the next day. Disturbances, groups of obstreperous students, possibly a fusillade of the mob, — they deemed this the utmost that could occur. But they strangely miscalculated the character of the hour. Unfortunately for the Government, the enterprise and capital of the country, as we have just remarked, ranked with the liberal party. So much of that enterprise and that capital, as was embarked in newspapers or print-

ing establishments of any kind, felt the illegal acts of the Government directly. The Ordinance relative to the Press was important, as an invasion of the right of publishing opinions given by the Charter; but it was also important, as destructive to a large and profitable branch of industry. The printers, and other workmen connected with the Journals, were at once stripped of employment by the Ordinance, and let loose upon society ready for any desperate act. 'My friends,' said one of the great publishers, '*the Press is abolished today; I cannot give you work any longer; go ask it from your good King.*' But the situation of the printers, thus sent abroad into the streets upon a terrible mission of insurrection, exhibited only a small part of the evil. Either from a just apprehension of the effect of the Ordinances, or on purpose to foment disorder, discounts at the Bank were stopped, and the great manufacturers dismissed their workmen and shut up their establishments, probably giving to their workmen the same consolatory advice, which the printers had received. Now when we consider that Paris and its faubourgs contains a numerous manufacturing population, we shall estimate the revolutionary force, which a sudden unforeseen cessation of all work, occasioned by an illegal act of the Government, must place in the hands of agitators; and by such men we shall see it was that the battle of the Three Days was fought. But the unarmed mobs, which alone appeared in Paris on Monday, although they commit-

ted outrages, upon the Hotel of Foreign Affairs on the Boulevards, where M. de Polignac resided, and upon the Hotel of the Minister of Finance, occasioned so little serious anxiety, that the King and the Dauphin went to Rambouillet to hunt the next day, as if nothing peculiar had transpired.

Meanwhile the editors of public journals, — on whom the hand of despotism had fallen more immediately, — whose property was absolutely annihilated by an arbitrary decree of the Government, — performed an act of independence and patriotism, called for to be sure by the circumstances of the case, but still every way honorable to the parties. A portion of them having conferred together, agreed upon a joint Protest against the unconstitutional Ordinances. This remarkable paper, which is dated July 26th, and originally made its appearance in the *National*, is not only interesting in respect of its effect at the time, but also as presenting a condensed view of the legal objections to the Ordinances; and we therefore transfer it to our columns entire, as follows: —

'It has been repeatedly announced within the last six months, that the laws would be violated, that a *coup d'état* would be struck. The good sense of the public refused to believe it. Ministers repelled the supposition as a calumny. Nevertheless, the Moniteur has at last published those memorable Ordinances, which are the most daring violation of the laws. Legal government is therefore interrupted, and that of force has commenced.

'In the situation wherein we are placed, obedience ceases to be a duty. The citizens, who are first called upon to obey, are Editors of Journals: it devolves on them to give the first example of resistance to authority, which has divested

itself of a legal character. The reasons, on which they rely are such, that simply to state them suffices.

The matters, to which the Ordinances promulgated this morning relate, are among those whereon the royal authority has no power, according to the Charter, to decide alone. The Charter declares (Art. 8) that the French, in affairs of the Press, shall conform themselves to the laws; it does not say, to ordinances. — The Charter says (Art. 35) that the organization of the Electoral Colleges shall be regulated by laws; it does not say by ordinances.

Hitherto the Crown itself has recognised these articles: It has never thought of arming itself against them, either with a pretended constituent power, or with the power falsely attributed to Art. 14.

In fact, at all times when circumstances of an alleged serious nature have seemed to the Crown to demand modifications either in the administration of the Press or in the electoral system, it has had recourse to the two Chambers. — When it was deemed requisite to modify the Charter, in order to establish the septennial election and integral renewal of Deputies, the Crown had recourse not to itself as the author of the Charter, but to the Chambers.

Royalty, therefore, has of itself recognised and acted upon these articles 8 and 35, and has not arrogated, with respect to these, either a constituent authority, or a dictatorial authority which nowhere exists.

The tribunals, which have a right of interpretation, have solemnly acknowledged the same principles. The Cour Royale of Paris condemned the publishers of the Breton Subscription as authors of an outrage on the Government. It considered the supposition, that Government would employ the authority of ordinances where the authority of law only is admissible, as an outrage.

Thus the formal texts of the Charter, the practice hitherto followed by the Crown, and the decisions of the tribunals,

all establish, that in things affecting the Press and the electoral organization, the laws alone, — that is to say, the King and the Chambers, — can have power to determine.

Today, then, the Government has violated legality. We are dispensed from yielding it obedience. We shall endeavor to publish our papers without asking the authorization required of us. We shall use all possible exertions that today at least, they shall be delivered to all France. This is what our duty as citizens requires, and we shall fulfil it.

It is not for us to point out to the Chamber, illegally dissolved, the duties which it has to perform. But we may be permitted to supplicate the Deputies in the name of France, to rest on their evident right, and to resist with all their power the violation of the laws. Their right is as clear as that whereon we stand. The Charter declares (Art. 50) that the King may dissolve the Chamber of Deputies; but that he may do this it is necessary the Chamber should have been assembled, and constituted a Chamber, and indeed that it should have pursued a line of conduct calling for its dissolution. But until it assembles, until it is constituted a Chamber, there is nothing but elections, nothing but returns of members elect. Now the Charter nowhere says that the King has power to annul the elections; and the Ordinances published are therefore illegal, because they undertake to do what the Charter does not authorize.

The Deputies elected, and convoked for the third of August, are therefore well and truly elected and convoked. — Their right today is the same as it was yesterday. France implores them to remember it. Whatever they can do to maintain this right, it is their duty to do.

The Government has this day lost the character of legality which commands obedience. We resist it in what concerns us. It rests with France to judge how far her resistance shall extend.\*

\*The names of the courageous and patriotic citizens, who thus placed themselves in the front of resistance to arbitrary power, belong to history. The declaration is signed by

MM. Gauja, conductor of the *National*.

Thiers, Mignet, Carrel, Chambolle, Peyssé, Albert, Stapfer, Dubochet, Rolle, editors of the *National*.

Leroux, conductor of the *Globe*.

De Guizard, editor of the *Globe*.

Sarrans, jun. conductor of the *Courrier des Electeurs*.

B. Dejean, editor of the *Globe*.

Guyet, Moussette, editors of the *Globe*.

We know not if the annals of history contain a more noble and spirited act of temperate reclamation against the measures of arbitrary power than this. For it is to be remembered that it is not the declaration of delegated agents in behalf of the rights of a community represented by them : nor the manifesto of a convention, or congress, or any other organized body of men. It is a dignified exposition, made by private individuals, of the illegality of the administrative proceedings, by which they are personally aggrieved ; and in thus much is entitled to signal praise. But it is also a courageous exposition of the illegality of the Government itself ; and in this respect demands the gratitude of all France, and the admiration of the friends of liberty throughout the world. These high-minded journalists had boldly lifted up the veil of illusion,

which habitual deference, and the actual possession of power threw around the position of the King. Confident in the justice of their cause, they had the moral greatness to proclaim to the People, in the language of one of their number, that the body politic was dissolved by the voluntary act of the King, and that by his attack on the Charter, France was replaced in the provisional situation, from which it had been raised in 1814, by the adoption of the fundamental law of the State. The declaration of the editors, being widely circulated and universally read, gave a character of legalized violence to the movements of the Parisian populace. It called upon them not to violate but to uphold the laws ; not to levy war against the Government, but to take up arms in defence of the constitutional Government, against the traitorous acts of those, by

MM. Auguste Fabre, chief editor of the *Tribune des Départements*.

Année, editor of the *Constitutionnel*.

Cauchois-Lemaire, editor of the *Constitutionnel*.

Senty, of the *Temps*.

Haussman, of the *Temps*.

Avennel, of the *Courrier Français*.

Dussard, of the *Temps*.

Levasseur, editor of the *Révolution*.

Evariste Dumoulin, (of the *Constitutionnel*.)

Alexis de Jussieu, editor of the *Courrier Français*.

Chatelain, conductor of the *Courrier Français*.

Plagnol, chief editor of the *Révolution*.

Fazy, editor of the *Révolution*.

Buzoni, Barbaroux, editors of the *Temps*.

Chalas, editor of the *Temps*.

A. Billiard, editor of the *Temps*.

Ader, of the *Tribune des Départements*.

F. Larreguy, editor of the *Journal du Commerce*.

J. F. Dupont, advocate, editor of the *Courrier Français*.

Ch. de Rémusat, of the *Globe*.

V. de Lapelouze, conductor of the *Courrier Français*.

Bohain and Roqueplan, of the *Figaro*.

Coste, conductor of the *Temps*.

J. J. Baude, editor of the *Temps*.

Bert, conductor of the *Journal du Commerce*.

Leon Pilet, conductor of the *Journal du Paris*.

Vaillant, conductor of the *Sylphe*.

whom it was administered for the time being. Whether those individuals were Kings or Ministers, it mattered not; for the time had arrived when the divine right of the People was recognised as paramount to the divine right of princes, the former being coeval and coextensive with creation and created men, the latter being secondary to, and dependent upon, the first, — less entitled to the *prestige* of antique venerableness, less fortified by reliance on the wide spread foundations of universal application. Frenchmen had long since ceased to be royal vassals; they had exchanged that condition for the higher one of citizens governed by a Constitutional Charter. While they admitted that the Executive was authorized to compel *their* obedience to the laws of the land, they at the same time maintained that they had a right to compel *his* obedience to the laws of the land. And the declaration of the editors called upon the Nation to uphold the Charter and the laws by justifiable resistance to the usurpation of the Head of the State.

It will have been seen that the editors deny that the Crown possessed any constituent authority, or any general authority by the Charter, to sanction the Ordinances. They allude, in these passages, to the Report of the Ministers, of which we have spoken as accompanying the Ordinances. This document is an elaborate attempt to justify the Ordinances, by general reasonings on the tenor of the Charter. It concludes in the following words :

‘The right, as well as the duty, of assuring the maintenance of itself, is the inseparable attribute of Sovereignty. No government on earth could remain standing, if it had not the right to provide for its own security. This power exists before the laws, because it is in the nature of things. These are maxims which have in their favor the sanction of time, and the assent of all the publicists of Europe.

‘But these maxims have another sanction still more positive, that of the Charter itself. The 14th article has invested your majesty with a sufficient power, not undoubtedly to change our institutions, but to consolidate them and render them more stable.

‘Circumstances of imperious necessity do not permit the exercise of this supreme power to be any longer deferred. The moment is come to have recourse to measures, which are in the spirit of the Charter, but which are beyond the limits of legal order, the resources of which have been exhausted in vain.’

These extracts set forth two grounds, then, as justifying the Ordinances, namely, the text of the Charter and certain other considerations. The article referred to is in these words : ‘The King is the supreme chief of the State, he commands the forces by sea and land, declares war, concludes treaties of peace, alliance, and commerce, names to all employments of public administration, and makes the regulations and ordinances necessary for the execution of the laws and the





the imperial throne was declared vacant by the Conservative Senate, it was offered to Louis XVIII. upon conditions, namely, on his accepting the Constitutional Charter, which they proposed as the basis of the new order of things. By a series of tricks, — which in private individuals would be considered highly dishonorable, but which hereditary Kings we suppose are privileged by blood and birth to practise, — and by the countenance of the Cossacs and sundry other congenial apostles of liberty encamped in sight of the Tuileries, — Louis was enabled to evade compliance with the conditions of his restoration to the throne of his ancestors. He found it necessary, however, to do something; and we frankly admit that he did much for France, in the Charter of June 4th, 1814. But in the preamble to the instrument he takes care to make the most offensive reservations concerning his personal authority, the source of his power, and its actual extent. It is ‘Louis, *by the grace of God King of France and Navarre,*’ that speaks. It is ‘Divine Providence’ that has recalled him to his States; that is, Divine Providence acting directly and for his personal benefit, not through the intervention of the national will, nor for the good of the Nation. Accordingly, after suitable reflections upon the liberal spirit of the Louises, the Philips, and the Henrys, who had gone before him, and his own disposition to consult the temper of the times; and finding a precedent for free institutions in the assemblies of the Champs-de-Mars and

de-Mai, he proceeds: ‘For these causes, we have voluntarily and in the free exercise of our royal authority granted, as we do hereby grant, make concession and *octroi* to our subjects, as well for us as for our successors, and forever, of the Constitutional Charter which follows.’ Now many of the short-sighted subjects of absolutism were found stupid enough to contend that, as the Charter was a voluntary grant, concession, or *octroi* of royal authority, the same royal authority might reclaim and resume the whole or any part of it. They forgot that, if it was a voluntary grant, yet it was expressly made **FOREVER**; that his Most Christian Majesty had solemnly sworn to maintain it inviolate; and that if the Crown saw fit to resume this grant thereby forever and sanctioned by oath, the Nation were of course reinstated in the political condition of March, 1814, when they were a free People with a crown to bestow, — with this material difference, that then the deliberations of the People were overawed by the invading host of the victorious Allies, and that now France would be herself again, free in her resolves, mighty in her purposes, and answerable only to the all just God of nations for her sovereign and irremovable decision.

In truth, the Ministers, conscious of the weakness and untenableness of any ground of justification for the Ordinances within the Charter, very frankly appealed for sanction to a certain transcendental power existing ‘before the laws;’ and professedly stepping ‘beyond the limits of legal order;’

called in aid the 'supreme power' of sovereignty, growing out of the 'nature of things.' This was certainly frank and fair, whatever might be deemed of its policy, wisdom, or justice. The Ministers openly soared above the lowly regions, the humble terra firma of the Charter, into the clouds and darkness of the 'nature of things.' They avowedly took for their authority in issuing the Ordinances, not the powers and rights held by the Crown under the Charter, but the power and right of usurpation for the purpose of making his authority more stable. But in doing this they should have remembered that the power and right of revolution on the part of the People corresponds to the power and right of usurpation on the part of the Crown. In abandoning the Charter, therefore, the Ministers converted Charles into a *King de facto* instead of a *King de jure*; and ceasing to be *King de jure*, he could expect to continue *King de facto*, only by hazarding the venture of a civil war, and submitting the hereditary rights of the Bourbons to the arbitrament of the sword. In voluntarily breaking his oath of fidelity to the Charter, he absolved his subjects from their correlative oath of allegiance, and each party to the social compact, the King and the Nation, now stood upon their respective natural rights, or upon what the philosophical M. de Chantelauze denominates power derived from 'the nature of things,' which we take to signify nothing more nor less, when translated from the Olympian dialect of these *dii minores*,

than *physical force*. The People were therefore justified in saying, that the Government had ceased to possess the character of legality, which commands obedience, and that the body politic was in fact dissolved, to be reconstructed, after its elements had once more passed through the fiery trial of civil war. Thus it was impossible to mistake the true nature of the crisis, that was pending over the destinies of France.

By their Protest against the Ordinances, and the publication of it, the editors of the daily journals rendered themselves individually responsible for the declarations contained in the paper to which they affixed their names. It was a noble example: It was soon followed by the Deputies, who, with the journalists, were the individuals immediately affected by the Ordinances. The Protest of the Deputies, which will be found in another place (part 2d, p. 184) did not make its appearance on the same day, but it was equally clear and strong as to the unconstitutionality of the Ordinances.

However much in earnest the King and his Ministers might be, the declarations of the journalists and the liberal Deputies showed that these were not less so. It only remained to see, in the appeal to force which was approaching, which of the two parties was to be convicted of treason; for it depended on the award of victory to decide whether the King or his People should bear the shame, and incur the forfeits, of treason.

In the course of this day the Police had not been idle, although

its operations were confined within the sphere of its appropriate functions, and the troops were not called to its aid. The two objects of the gendarmerie during the day had been to check the circulation of the journals, and to prevent the concentration of citizens in the walks. An Ordinance under the hand of M. Mangin, Prefect of Police, was promulgated, and posted on the walls in all parts of the city, prohibiting the circulation of any printed writing, which did not bear the names, and so forth, of its author and printer, and also providing that any proprietor of a reading room, *café* or the like, who furnished his customers with papers printed contrary to the Ordinance of July 25th, should be prosecuted, and his establishment closed. The Police went further; and under pretence of suppressing disorderly assemblies, caused the coffee houses and reading rooms to be cleared of visitors, and places of refreshment and amusement to be shut up, including the theatres. Gendarmes paroled all the streets and places of public resort, watching the movements of the citizens, and anxiously interposing to check any tendency to popular ebullition. The general symptoms of sedition and threatened disturbance, together with the strong feeling of anxiety which pervaded all classes of the community and men of all opinions, led to the closing of several shops and public buildings; and the galleries of the Palais Royal were shut at an early hour. Young tradesmen paraded the streets towards evening, armed with sword canes, which they flourished in the air with cries of '*Vive la Charter!*' and as night closed in, crowds of artisans and others made their appearance, bearing sword canes, bludgeons, or pistols. But civil war had not yet come. These incidents were only indications of the more excited state of public feeling, which the least struggle between the citizens and the authorities would infallibly engender. The Parisian populace were now in the situation of the baited animal in the lists, who foreseeing a desperate engagement about to arrive, lashes himself into a fury by pawing the earth, tossing his head, and uttering muffled cries, the precursors of a mad encounter with his tormentors. The tumultuary troops of reckless young men, who, in a great city like Paris, are not apt to be slow to embrace such occasions for the development of their superabundant animal spirits, and who now thronged the streets with the watchwords of Liberty, Law, and the Charter upon their lips, needed but little added stimulus and organization to be converted into an insurrectionary civic army, ripe for deeds of courageous self-devotion. Apprehensive that the immediate circulation of the Ordinances, and of the comments of the journalists thereon, would have the same effect in the provinces, that it had in the capital, in waking the People to a state of almost phrenzied excitement, the Police, it is affirmed, took steps to arrest the journals at the Post Office. But the Government had all along found the Press to be a terrible antagonist to their designs;

and their final assault upon it was the signal, as we shall presently see, for the opening of the warfare of the Three Days.

Thus ended Monday the 26th of July. During the night no events of much consequence transpired; nor on the morning of Tuesday had a revolution yet apparently commenced. What signalized the early part of that day was the procedure of the Government in regard to those refractory newspapers, which persisted in making their appearance without the authorization required by the new Ordinance. It will be conceived that the *Moniteur*, the *Quotidienne*, the *Gazette de France*, and other ministerial journals, readily put on the trammels, which they were commanded to wear. One opposition journal, the *Messager des Chambres*, followed their example. 'Strong in our consciences and our principles,' say the editors, 'we have thought that an opposition journal was still necessary, not to discuss acts which we will not characterize, and which, under present circumstances we cannot discuss, but to collect facts, to give them to the public, and to rectify them if they should be disfigured by the ministerial journals.' But the sentiments and intentions of the great body of the liberal editors, as proclaimed in their Protest, would not permit them to enter into compromise with usurped authority;—and they resisted in various ways, according to the different circumstances in which they happened respectively to be placed.

The conductors of the *Journal du Commerce*, of *La France Nou-*

*velle* and of the *Courrier Français* were desirous to issue their papers, but found that the master printers whom they employed, intimidated by the threats of the Police, refused to execute the printing. The *Journal du Commerce* speedily obtained a decree of one of the Courts in the following words:—'Considering the Ordinance of the King of the 25th relative to the Press has not been promulgated according to the forms prescribed by the Ordinance of the 27th of November, 1826, and that of the 18th of January, 1817: We order M. Selligie to proceed to the composition and printing of the *Journal du Commerce*, which is to appear tomorrow.' A decree of the same tenor was directed to M. Plassau, printer of *La France Nouvelle*. The conductors of the *Courrier Français* addressed a circular to their subscribers, stating the controversy with their printer as the reason why their paper did not appear.—'The dispute,' say they, 'has been referred to the tribunals. We shall employ all legal means to make our right triumph; but we shall not apply for a license, which would seem to imply our submission to acts, which violate the Charter and the laws.' Although no decision was had upon this case until the next day, we may be allowed to anticipate the strict succession of events, and to introduce here the remarkable judgment of the Tribunal of Commerce, as follows:

'Considering that, by an agreement between the parties, Gaultier Laguionie had bound himself to

print for the editors of the journal entitled the *Courrier Français*, and that all agreements lawfully made should be carried into effect, it is in vain that M. Gauthier Lagnionie would avoid a compliance with his engagements, on the ground of a notice from the Prefect of Police, enjoining on him obedience to the Ordinance of the 25th, which Ordinance being contrary to the Charter could not be obligatory, either upon the sacred and inviolable person of the King, or upon the citizens whose rights it attacks:—Considering farther that, according to the forms of the Charter, ordinances can only be issued for the purpose of executing and maintaining the laws, and that the above Ordinance on the contrary would have the effect of violating the provisions of the law of July 28th, 1828:—the Tribunal ordains and decrees that the agreement between the parties shall be carried into effect, and consequently condemns *par corps* Gauthier Lagnionie to print the *Courrier Français* within twentyfour hours, and in case of his failure so to do reserves the right of the editors to sue for damages, &c.

These decisions of the courts upon the Ordinance complete the singular picture of illegality presented by the operations of the infatuated King. The decisions, which we have given an account of, embrace the whole question at issue; for the ground, on which one of the Ordinances is pronounced unconstitutional, applies equally to each of the other. Here therefore we have the courts of justice directly and

openly countenancing and upholding the citizens in their plans of acting in open defiance of the royal authority, and thus communicating the character of full and perfect legality even to violence, if it should be committed in self-defence, against any violence on the part of the Crown. In fine, the tribunals had declared that a revolution would be lawful.

Reverting, then, to the morning of Tuesday, we find the *Temps*, the *Figaro*, and the *National* appearing without a license. The *National* and the *Temps*, especially, by means of well devised secret arrangements, were printed and published in spite of the vigilance of the Police. They were issued gratuitously at their respective offices, and in the same way distributed in various quarters of the city. The conductors of these two papers, who had been distinguished for their zeal and courage, professed a determination to defend themselves and their premises by force, if any violence should be offered by the agents of the Government. Crowds of people thronged their doors, to whom they threw out their papers, with injunctions to every individual to take up arms in defence of his country. Young men ran through the gardens, distributing the *National* or the *Temps* to the eager multitude around, who formed into groups to hear read aloud the ardent appeals to their patriotism contained in those spirited journals. In this way information concerning the Ordinances, and the views of the liberal party thereon, came to be much more universally circulated on Tuesday than it had

been the day before; for that, which had been previously known only to particular classes of persons, was now thoroughly understood by all Paris.

Out of these bold proceedings of the editors of the *National* and the *Temps* grew the first occasion for resort to actual force. Several hours elapsed after the distribution of their papers, before the Ministers decided what steps to take. At length about noon a commissary of Police, with a strong force of gendarmes, mounted and on foot, attacked the office of the *National* in the Rue Saint Marc. They demanded admission, but were refused, while copies of the journal were thrown out of the windows, and distributed before the eyes of the gendarmes themselves. At length, these men broke open the doors, seized on the types and other materials, and sent the chief *redacteur* to prison, leaving a guard of mounted officers near the spot. The same things took place at the office of the *Temps*. In addition to which it is said that, finding it difficult to break into the doors of the latter office, the commissary sent for various smiths, who refused to aid him in picking the lock; and he was obliged, at last, to call for one of the myrmidons of the prisons, whose business it was to rivet the chains of the galley-slaves. These operations took up several hours, in one of the most frequented parts of

Paris, in the face of crowds of excited spectators, who cheered on the printers to stand for their interest and their rights, and who regarded the scene as what it really was, an outrageous invasion of private property at the mere lawless will of a tyrant. Every looker on regarded the case as his own, and left the spot full of indignation against the King, the Ministers, and all their subordinate agents, considering their conduct as no better than robbery or housebreaking, and fully resolved to second the editors and printers in manful defence of the Charter. Already the Police were beginning to be satisfied that their efforts had now become of no avail, in opposition to an entire People; for although they had orders to arrest the conductors and editors of newspapers for subscribing the celebrated Protest, in the disorder and confusion of the time they found it wholly impracticable. Well might one of the patriotic editors say, in a circular to his subscribers: 'Between *right* and *violence* the struggle cannot be protracted, and we shall soon see our *national flag* unfurled.' The Press, in short, had done its duty unflinchingly, in early protesting against the illegal proceedings of the Government, in calling upon the People to maintain their rights, and in setting the first example of resistance, of self-sacrifice, and of defiance of tyranny and usurpation.

## CHAPTER XVI.

### FRANCE, CONTINUED.

*The Three Days. — Military Arrangements. — Marmont. — The Garrison. — Dispersion of the People. — Night of Tuesday. — The Citizens arm on Wednesday. — Marmont's Plans. — Deputation of the Citizens. — Movements of the Troops. — Conflict at the Hotel de Ville. — Retreat of the Troops. — Their Conduct. Barricades Thursday. — The Polytechnic School. — Positions of the Garrison. — Combats. — Capture of the Louvre. — Evacuation of the Tuileries and of Paris. — Conduct of the People. — Their Losses.*

IT is one of the remarkable facts connected with the Revolution of the Three Days, that, when the Ministers were about to undertake the overthrow of the Charter, — when they might and should have known the temper and spirit of the Nation, — no military preparations of any sort were made, but everything went on in the blind confidence of undoubting security. Like the stupid ostrich, who is said to plunge her head in the sand, and imagine she has escaped her pursuers because she has voluntarily blinded herself to them, Charles the Tenth rested tranquil in the royal idleness of his nature, under the fancied shelter of his own benighted ignorance. Hence it was that, until Tuesday morning, two days after the Ordinances were signed, no arrangements were made

by the Government to prevent a civil war, or to succeed in it if it should break upon them in spite of their preventive exertions.

In the *Moniteur* of Wednesday, the 28th, appeared an Ordinance conferring the military command of Paris upon Marshal Marmont, Duc de Raguse, dated Sunday, the 25th. But it is said the Ordinance was antedated; and at any rate on the morning of Tuesday, the 27th, M. de Raguse was wholly uninformed of the condition of affairs; for he was actually stepping into his carriage at Saint Cloud to make an excursion into the country, when his aide informed him of the disturbed state of Paris the morning before, and thus prevented his departure. About noon of this day he was sent for by the King and invested with the command, which he actually en-

tered upon at the Tuileries a few hours afterwards. These facts appeared in evidence in the sequel, when the Ministers were brought to trial before the Peers for issuing the Ordinances.

The exact state of the military force at the disposal of Marmont is also well ascertained by information derived from different sources. It consisted of the Guards, troops of the Line, and others to the amount of about twelve thousand men. The Guards were composed in the outset of three Swiss regiments of infantry, having eight battalions and three thousand eight hundred men; of two regiments of cavalry, having eight squadrons and eight hundred men; and of an artillery force of twelve pieces served by one hundred and fifty men. There were four regiments of the Line, with eleven battalions, and four thousand four hundred men, who almost immediately professed themselves neutral, and who, if they did not aid the People, were certainly of little or no service to the King. There were also eleven companies of *Fusiliers Sédentaires* or Veterans, consisting of one hundred men each, who gave up their arms to the citizens instead of opposing them; and the Gendarmerie, horse and foot, one thousand three hundred strong. Of all this force, only the Guards and part of the Gendarmerie can be considered effective, amounting to about six thousand men, on whom Marmont had to depend to meet the whole population of Paris, a brave and martial people, vehemently excited, many of them discharged

veterans, capable at any time of affording an army of fifty thousand men at a day's notice, and dwelling in a city peculiarly fitted by its style of construction to be the theatre of civic warfare. And yet had the Ministers possessed any forethought for the occasion, troops were to be had in abundance at Saint Denis, Sèvres, Vincennes, Versailles, and other places near Paris, sufficient in number to have balanced, if not overcome, the extemporaneous levies of the citizen-multitude.

When Marmont arrived in Paris, the necessity for prompt measures for repressing disturbances in various parts of the city had become urgent. Immense crowds of the laboring classes were collected in the region of the Palais Royal and of the Tuileries, and near the hotels of some of the Ministers, who, although armed only with bludgeons and stones, treated with utter contempt all the efforts of the Police for their dispersion. The gendarmes rode up and down the streets and squares to no purpose; they were everywhere insulted and reviled. The citizens had now closed their shops, and an overwhelming multitude of men, all animated with the same hatred of the Government, and openly proposing the most daring acts of resistance, inundated the streets in that most frequented quarter of the city. Thus far, it is true, they were only a mob; but they were gradually changing their character, and their reiterated attacks upon the Hôtel Wagram on the Boulevard des Capucines, the official residence of M. de Polig-



nac, must have taught the Premier that what he saw was no transient ebullition of popular heat. Accordingly, at half past four o'clock in the afternoon, Marmont issued his orders to get the troops under arms, and bodies of infantry and cavalry were hastily marched to the Place du Carrousel, the Place Louis Quinze, and the Boulevards. The regular troops were then for the first time called upon to take part in the passing events.

It being now late in the afternoon, and an hour when the great thoroughfares of Paris are always full of people, the crowd continued to increase by the influx of citizens into the narrow streets near the Palais Royal, until these became wholly impassable. The Police having endeavored in vain to open a communication by dispersing the mob, demanded the assistance of troops. In fact, one of the gendarmes had already been killed by the citizens. Hereupon small detachments of the Guard were sent to clear the streets, and preserve order in the vicinity of the Palais Royal especially, as apprehensions began to be entertained that the citizens would break open the shops of the gunsmiths and armorers, which abound in that region, and possess themselves of arms. It appears that the pieces of the troops forming these detachments were not generally loaded, and that they had orders to conduct themselves with moderation and temper, and not to fire unless they were fired upon by the people. One small detachment endeavored to *debouche* by the Rue du Duc de

Bordeaux, near the Tuileries, but was so closely pressed upon and pelted with stones, tiles, and other missiles, as to be held in check for a while. On the other hand the Guards endeavored to make way by riding among the people and striking them with the flat of their sabres. At this point the firing commenced, and it is singular enough that the first shot was fired by an Englishman. This man, whose name is said to have been Foulkes, lodged at an English hotel at the corner of Rue des Pyramides and Rue Saint Honoré; and as the detachment endeavored to pass he loaded a fowling-piece and discharged it against them from the windows. The soldiers fired a volley in return, which killed the Englishman and two other persons. Meanwhile another and a stronger detachment had sought the Rue Saint Honoré by the Rue de l'Echelle, who were also arrested in their progress by the mass of people accumulated in the Rue Saint Honoré between the two detachments. Here was the first example of a barricade, which was formed on the sudden by overturning an *omnibus*, one of the long coaches which ply from one part of Paris to another, and placing it across the street. Behind this off-hand entrenchment, the citizens received the summons of the Guards to surrender, and answered it only with a shower of tiles and pavement stones. At length the troops forced the barricade, and after two discharges in the air fired the third time upon the people, and finally drove them slowly along the street. Other

detachments, sent to the Palais Royal, and further up towards the Bourse, fired repeated volleys upon the people, killing a few and wounding many. Thus by reiterated attacks on the crowds of unarmed men, and especially by charges of cavalry along the narrow streets, encountered only by stones, glass, tiles, and so forth, thrown from the houses or from among the mob, the multitude was gradually thinned off early after night-fall; and at eleven o'clock the troops returned through silent and deserted streets to their quarters.

In these incipient operations of the military several things deserve separate attention. The citizens, it will be remembered, were not yet armed, in the proper sense of the word; they had no fire-arms, or anything to resist the attack of the cavalry or other regular troops; for sticks, sword-canes, or even pocket pistols were but poor means of combating with soldiers armed to the teeth. In fact, the citizens fought with the stones and other missiles found on the spot, and with nothing else. They were therefore a mob of rioters, not a revolutionary militia. Still it seems that the usual ceremony of summoning them to disperse by the intervention of the civil magistrate, preparatory to a charge of troops, was wholly omitted. *Qualis ab incepto talis ad finem.* The Ministers had embarked in a desperate attempt to revolutionize the Government, and abolish all the guaranties of liberty; and they did not trouble themselves particularly about the forms of

law, in riding down the unruly *badauds* of Paris.

The incidents of this day afforded to each of the parties engaged some valuable lessons, but the insurgent citizens alone seem to have turned them to profit. What should even then, at the opening scene of civil war, have taught the King to recede, and revoke the obnoxious Ordinances, was the conduct of the troops of the Line. Surely the Ministers could not in reason hope to succeed, with all the moral force of France against them, and all the physical force also, except a few thousand men of the Garde Royale. Yet that such was the prospect before them, they might have inferred, if they had used their understandings, from the incidents of Tuesday. For at this time the troops of the Line plainly evinced their disposition to fraternize with their fellow citizens against the Crown. A detachment of the fifth regiment of the Line, which was marched into the Place du Palais Royal, was greeted with cries of good will by the people assembled there, and thus early engaged not to fire upon them if ordered. Nor does it appear that any of the troops of the Line, on service this day, co-operated to any purpose with the Guard.

Nevertheless, Marshal Marmont, misled by the apparent success of the first day's operations, and finding the city in a tranquil state in the evening, wrote to the King in the most encouraging language. M. de Polignac, on the contrary, although he is said

to have participated in the delusion of the Marshal, took a very peculiar step in view of all the circumstances. Polignac gave a dinner that evening to the members of the Cabinet, who sat down to the council table at the Hotel Wagram under the protection of a battalion and of several pieces of artillery. It was an extraordinary time to join in festivities, when civil war was breaking out around them in consequence of their violation of the Charter; and they must have felt like a band of conspirators, partaking of Catiline's bloody cup, — *humani corporis sanguinem vino permixtum*. At the close of this their last official feast, they signed an ordinance declaring Paris in a state of siege, and giving up its inhabitants to the horrors of martial law. It needed only this final act of tyranny to fill the measure of their infamy and satuity, thus to consign over the capital of the Kingdom to military violence, suspending the operation of all civil authority within its limits. — But as to the Parisians themselves, such an ordinance fell harmless at their feet; for they had already renounced the Government from which it emanated, and no longer felt as if they could gain or lose by decrees, when they were fixed to try the issue of arms. And yet the Ministers rested content with the empty menace of an ordinance, instead of taking measures to prevent the citizens from obtaining arms and ammunition. It was represented to the Government that the scattered guard houses about the city,

and the armorers' shops, would inevitably be plundered before the morrow; and that the Arsenal and the powder magazine of Deux Moulins should be properly guarded to preserve them from the same fate. But the good genius of the Nation prevailed, and lulled the Commander in Chief and the Ministers into inaction as fatal to their cause as it was extraordinary.

Some characteristic incidents on the part of the citizens terminated the evening of Tuesday. Desirous to expel the guard stationed in the Place de la Bourse they had set fire to the guard house, a small wooden building; and when the firemen came to extinguish the flames, they suffered themselves to be disarmed by the mob. During the evening the citizens exhibited in this square, and elsewhere in the city, the body of a man killed by the discharge of the guards in the Rue Saint Honoré, inciting each other to vengeance by the view of their murdered compatriot. They then proceeded to destroy the lamps which lighted the city, thus signifying as it were the end of legal order. It is to be remembered that the lamps of Paris are suspended from ropes stretched across the street, whereof such terrible use was made in the former Revolution. By the destruction of the lanterns the narrow avenues of Paris were given up to darkness and mystery, and the populace were left to the secure prosecution of their plans of preparation for the decisive movements of the ensuing day.

The citizens, as we have seen, retired on Tuesday evening, and left the streets in such apparent tranquillity, that Marshal Marmont was completely deceived. But everything was changed before the troops left their barracks the next morning. The National Guard and the tricolored flag reappeared together on Wednesday, and armed partisans succeeded to the mobs of the day before. Early in the morning, or during the night, the armorers' shops had been entered, the detached guard-houses had been plundered, the *Fusiliers Sédentaires* had given up their arms, the Arsenal had been captured, the theatres had made a distribution of muskets and other arms, and the magazine of Deux Moulins had furnished the insurgents with ammunition for the weapons, which they procured from every accessible source. Add to the quantity of arms obtained by hazard or force, or previously possessed by individuals, that forty thousand equipments had remained with the soldiers of the National Guard, at their disbandment a few years before; and we shall then conceive by what means an abundance of arms and munitions of war was on the instant placed in the hands of the Parisians.

All business but that of war was now completely at a stand. The shops were everywhere closely shut, and the windows fastened and barred, as if in serious preparation for actual siege. Handbills of an inflammatory nature had been profusely distributed during the night, or posted up in conspicuous situa-

tions, where they could easily be read, so as to supply the place of the ordinary journals. The tocsin was sounded, summoning every man to arm for his country, and to aid in ejecting the odious Bourbons from the power they had obtained by foreign force, and now dishonored by their tyranny; and the multitude came pouring in from the faubourgs, to swell the masses furnished by the swarming streets of the city. It was not long before the tradesmen of the royal family took down the royal arms from their doors to deprecate the fury of the armed citizens, and their example was followed by the notaries and other legal functionaries, whose offices exhibited the badges of royal authority. In fact the insignia of royalty were everywhere defaced or taken down, and when they were moveable, suspended to the lamp ropes in scorn, or publicly burnt in heaps, amid cries of *Vive la Charte!* All Paris was now in open insurrection. They hailed with enthusiastic acclamations the appearance of the tricolored flag, which roused all their recollections of other days of glory, and was inseparably associated in their minds with the idea of national independence. They greeted it as the 'star of the brave,' as the 'rainbow of the free;' and they felt as if starting from a troubled sleep, when they beheld the long proscribed symbol of the Revolution floating once more to the breeze, the consecrated banner of a second struggle with despotism, under the auspices of the citizen soldiers of the National Guard.

It is to be observed, however, that nothing like combination or the influence of responsible leaders was yet discernible. The assembling hosts bore every species of weapon, some rifles or proper military muskets, many of them fowling pieces, pistols, swords, pikes, and even much humbler means of offence and defence. It seemed to be a mere spontaneous outpouring of universal enthusiasm, a sort of instinct of opposition to the King and all who supported his authority, which stimulated young and old alike, from the spruce *bourgeois* who left his counter to have a shot at the Guards, to the hardy *opératives* of the faubourgs, who needed nothing but a fit occasion to convert them into brave and ready soldiers. But however deficient in the regular organization of war these men were, no one could doubt who saw them, that the fate of the Bourbons was sealed. Strong parties began to march down from the Rue Saint Antoine and the quarter above the Place de la Bastille, who occupied the Quai de la Grève, and the contiguous Place de l'Hôtel de Ville, the Place du Palais Royal, and the other open spaces intermediate between those points, and hoisted the tricolored flag on the towers of Nôtre Dame.

Marshal Marmont, it seems, who had left the citizens to procure arms and make their arrangements unmolested since midnight, now began to take alarm, and to view the matter in its true light. At eight o'clock he wrote to the King a long letter, which

miscarried, and again another of the same purport an hour afterwards, as follows :

‘Wednesday, 9 A. M

‘I had the honor yesterday of making report to your Majesty of the dispersion of the groups, which disturbed the tranquillity of Paris. This morning they have again formed, more numerous and menacing than before. It is no longer a riot, — it is a revolution. It is of urgent necessity that your Majesty should adopt measures of pacification. The honor of the Crown may yet be saved. Tomorrow, perhaps, it will be too late. I shall take today the same measures as yesterday. The troops will be ready at noon. I await with impatience your Majesty's orders.’

This note exhibits evident marks of having been written in considerable agitation, and under the influence of some despondency, or of great reluctance to proceed to extremities. Marmont had dispersed an unarmed mob the day before by charges of moveable columns in various parts of the city : did he intend to operate in the same way today against an armed militia, as daring as it was numerous ? Such is the intention expressed in his despatch. Fortunately we possess an able and authentic account of the movements of the troops, from the pen of M. Bermond de Vachères, a staff-officer of the Guards, which affords a clear insight into the military events of the Revolution, and enables us to give a faithful view of the plan of

operations adopted by Marmont. As for the delay of three hours in setting the troops in motion, the sole reason which can be assigned for it is the anxiety of the Marshal to prevent the effusion of blood, and to afford the King time to send back a pacific answer. No such answer came, however, and accordingly the sanguinary work of war commenced.

Marmont's head-quarters were at this time at the Tuileries, where indeed they continued until the Château was occupied by the citizens, and the contest terminated. This post was defended on the upper side towards the city, by means of six battalions of French Guards, with three squadrons of lancers and the artillery, who formed in order of battle on the Place du Carrousel; and on the side of the Gardens were two battalions of Swiss Guards occupying the Place Louis Quinze. Strong detachments were stationed in the Champs Elysées, to keep open the communication with Saint Cloud by the avenue and barrier of Neuilly. Three regiments of the Line, the 5th, 5thh, and 53d, received orders to occupy the Place Vendôme, and so to stretch along from the Rue de la Paix by the interior Boulevards to the Bastille, thus constituting a line in force, which should embrace the whole semi-circumference of Paris on the northerly side. The remaining regiment of the Line, the 15th, was commanded to occupy the large squares of Sainte Geneviève, the Palais de Justice, and the Hôtel de Ville including the Quai de la Grève. His plan it seems was,

after thus securing possession of the Boulevards, Quais, and Places, to keep open a communication through the great thoroughfares of the Rue Richelieu, Rue Saint Honoré, and Rue Saint Denis, by detachments of cavalry or infantry charging upon the citizens as on Tuesday. This plan of operations has been vehemently criticised and censured since; and after an agitating crisis is over it is easy to say how things might have been done to greater advantage. In military events, especially, every body is wise when it is too late, and wonders that a multitude of things, apparently very simple, did not occur at the time to those, on whom responsibility devolved. Much of the reflection cast upon Marmont is nothing, we imagine, but this posthumous wisdom of disappointed men. And the simple truth, as we gather it from the different and often contradictory opinions of conflicting parties is, that the ultimate refusal of the four regiments of the Line to co-operate with the Guards in firing upon their compatriots, was the real cause of Marmont's failure in the successful accomplishment of his purpose. One half of his force, occupying the fixed positions, the *points d'appui* in the city, became, as we shall see, serviceable rather than otherwise to the insurgent citizens, and left the whole contest to the Guards.

The first rencontre between the citizens and the troops occurred unexpectedly at the Hôtel de Ville, before the Guards were put in motion. Between nine and ten Marmont sent a lieutenant and fifteen men to the Place de

whether the 15th regiment of the Line had arrived there. On entering the square this little detachment was immediately fired upon by the citizens, who killed one man and wounded several others, and would have cut off the whole body, but for the timely arrival of a battalion, which had afterwards been ordered to make a *reconnaissance* in the same direction. This incident has been greatly exaggerated in the accounts of the day,\* drawn up and published at the moment, without any knowledge of the plan marked out for the troops, and of course with a very mistaken idea of the object and direction of their movements. It is only remarkable as the opening scene of bloodshed of this day.

Noon having come without any orders from Saint Cloud, contrary to Marmont's hopes and desires, he was obliged to commence the line of active operations, upon which he had decided. Reserving only a small force to guard the Louvre and the Tuileries, and having posted the regiments of the Line as we have already stated, he divided his remaining force into four columns

of about equal strength, for the performance of separate duties. The first column, of one battalion, two guns, and two squadrons of horse grenadiers, commanded by the Vicomte de Saint Hilaire, was to move from the Champs Elysées to the church of La Madeleine, and after following the Boulevards to the Rue Richelieu to return to the Champs Elysées. The second column, consisting of a battalion of infantry, two guns, and three squadrons of cavalry, commanded by M. de Saint Chamans, was to follow the Rue Richelieu to the Boulevards, and then wheeling to the right to march by the Boulevards to the Bastille, and thence return by the Rue St Antoine to the Hôtel de Ville, where it was to meet the fourth column. Two battalions of guards with two guns and 30 gendarmes, under M. de Talon, were to proceed to the Marché des Innocens: thence, one battalion was to diverge to the left up the Rue Saint Denis to the Porte St Denis, and then return to the Marché des Innocens, while the other battalion, which in the meantime was to diverge to the right as far as the Place du Châtelet, should

\* In the various accounts of the Three Days, the word Place de Grève occurs frequently, but it is not strictly proper. The Hôtel de Ville of Paris is situated on the long side of a large square, which opens upon the northerly bank of the Seine, and is called the Place de l'Hôtel de Ville. A new suspension bridge, called Pont de la Grève, crosses the river at this point. The Quai Pelletier opens into the square on the one hand, and the Quai de la Grève on the other. Near to the entrance of the bridge, and of course at one end of the square, is the place of public executions, where the guillotine is erected on such occasions. The entire locality is popularly called the Place de Grève, from the word *grève*, which means a strand or flat shore; the name, as applied to that spot, being coeval with modern Paris, and undoubtedly derived from the natural condition of the bank of the river there, and its primitive use as a landing-place. The readers of Prior will remember his allusion to the particulars for which the square is now the most notorious.

'Who has e'er been at Paris must needs know the Grève,  
The fatal retreat of the unfortunate brave.'

have returned to meet it; and here they were to wait for further orders. The fourth and last column, consisting of one battalion of infantry, a half squadron of lancers, and two pieces of cannon, commanded by M. de Quinsonas, were to proceed along the Quais to the Place de Grève, supported by the 18th regiment of light infantry, and, being there joined by the second column, to maintain themselves in position at the Hôtel de Ville. The several detachments accordingly departed upon the services assigned them respectively; but before giving an account of their proceedings, it is proper to relate some incidents, which soon afterwards took place at the Tuileries.

Such of the Deputies elect as were in Paris, had met repeatedly since the publication of the Ordinances, to consult on the course they should pursue. Between two and three o'clock in the afternoon a deputation from these Deputies, consisting of General Gérard, the Comte de Lobau, and MM. Lafitte, Casimir Perrier, and Mauguin, repaired to head-quarters to confer with the Duc de Raguse, and press upon him the importance of doing something to stop the effusion of blood. M. Lafitte, who spoke in behalf of the deputation, represented to the Marshal the deplorable state of the metropolis, declared in a state of siege, and treated like a town taken by storm, blood flowing in all directions; and declared that the assembled Deputies of France could not but consider him personally responsible for the consequences of a con-

tinuance of hostilities. The Marshal replied that he considered obedience to the royal commands a point of honor as a soldier, and asked for the conditions of armistice proposed by the Deputies, that he might report them to the King. M. Lafitte replied; 'Without judging too highly of our influence, we think we can be answerable that everything will return to order on the following conditions, namely, the revocation of the illegal Ordinances of the 25th of July, the dismissal of the Ministers, and the convocation of the Chambers on the 3d of August.' The Marshal answered, that as a citizen he might not disapprove, nay, might even participate in the opinions of the Deputies, but as a soldier he had his orders, and felt bound to carry them into execution. He was willing to submit their overture to the King; but proposed, as M. de Polignac was now in the Château, to go and request him to receive the deputation. After a short absence he returned with an altered countenance, and informed the Deputies that Polignac declined any conference, the conditions proposed rendering it wholly useless. In fact, the Ministers had fled from their respective hotels, and taken refuge at head-quarters, determined to persist in their folly and madness, amid the rattle of musketry, the roar of cannon, and the peal of the tocsin, with the tricolored flag everywhere displayed before their eyes, regardless of the sufferings they inflicted on their country in the gratification of the senseless ambition of a tyrant. M. Lafitte, when he received the



answer of M. de Polignac, took leave with the simple but impressive declaration: 'THEN WE HAVE CIVIL WAR.'

It would seem that until this time the citizens had entertained some hope of accommodation; and it is stated, in some of the memoirs of the Revolution, that the insurgent multitude did not feel that it was a desperate case, until the deputation of their friends left the Tuileries. Meanwhile preparations had been made on a large scale for resisting the troops in their progress through the narrow streets. The paving stones were torn up, and carried to the upper rooms of the houses, to be hurled on the heads of the troops. Bullets were cast by the women in the shops and at the doors. Those who had arms of any kind stood ready to use them: those who had not, disposed themselves to employ such humble missiles as they could obtain, and to aid their brethren by their presence and acclamations in default of possessing the means of active co-operation. In these circumstances the projected movements of the troops began.

M. de Saint Hilaire's column performed the service allotted to them without difficulty, being marched through spacious streets not inhabited by a *belligerent* population. But their movement, as it was comparatively free of danger, so was it of no consequence in any point of view, — neither benefiting the King nor injuring the citizens.

The second column marched up the Rue Richelieu through a dense crowd, but proceeded along the Boulevards without encoun-

tering much resistance as far as the Porte Saint Denis. Here they were fired upon from the houses, and even from the top of the arch of Porte Saint Denis itself. As the column advanced, the firing increased. When M. de Saint Chamans reached the Porte Saint Martin he found the opposition to his further progress so earnest, that he was obliged to counter-march his cavalry behind his infantry, which, thus unmasked, fired upon the citizens by platoons; and thus, with the aid of artillery, the column broke through the multitude and continued its advance. Meanwhile the citizens had begun to erect barricades in this quarter, and although the troops surmounted them now, yet they were constructed so fast, that it would have been next to impossible for the troops to return the same way. — As the column proceeded, they passed the 50th regiment of the Line near the Chateau d'Eau, or large fountain of the Rue de Bondi, where they had been stationed ever since the morning. Beyond this point, as they approached the Bastille through the Boulevard du Temple and Saint Antoine, they entered into a large mass of the workmen of the faubourgs, surpassing, both in boldness and numbers, the insurgents whom they had previously encountered. The troops advanced in close columns, occupying the width of the Boulevard, preceded by a party of soldiers armed as sharpshooters, who fired in the air and at the windows, their object being to prevent the latter from being securely occupied by the armed citizens. The large open space

of the Place de la Bastille speedily became the scene of a sanguinary contest.

M. de Saint Chamans easily drove out the multitude to make room for his troops; but the citizens only withdrew to the houses and the numerous streets opening upon the square, from whence they maintained a persevering fire, which of course was returned by the soldiers. The column drove the people before it whenever the attempt was made, but was prevented from marching up the Rue Saint Antoine to the Hôtel de Ville as it had been ordered to do, by the barricades erected in that street, and by the hostility of the citizens, who not only fired continually upon the troops, but poured down upon them a continual shower of stones, tiles, glass, and articles of furniture, from the house windows. Of course, many lives were lost in this quarter, and great injury was done to the houses, by the discharge of muskets and field-pieces. Finding it impracticable, at length, to complete the route assigned to him, M. de Saint Chamans crossed the river at the Pont d'Austerlitz, and as it were stole off to the Tuileries by the back way of the other side of the Seine. The citizens of the Rue Saint Antoine looked upon the movement of the troops in that direction as a triumph, and supposed that they had been recalled in consequence of the success of the insurrection at headquarters. — Thus nothing was accomplished by this column, which left the citizens in possession of the confident feelings of supposed victory,

and left them free to unite their strength to that of the insurgents in the heart of the city.

The operations of the third column ended still more unsatisfactorily. To reach the Marché des Innocens, they marched through the Rue Saint Honoré, where they were continually exposed to a severe fire from the windows, court-yards, and narrow streets or alleys along their route, and subjected to showers of paving stones and other missiles, to which, as marching in a dense body, they were necessarily much exposed. They were received with a sharp fire at the Marché itself, but soon made good their position, and prepared to execute their orders. M. de Talon lost no time in detaching a battalion up the Rue Saint Denis, but found it necessary to depart from the plan marked out for him, until the return of this detachment should make him feel strong enough to proceed down the Rue Saint Denis to the Place de Clâtelet. Accordingly a battalion under Colonel Pleimeselve made its way up the Rue Saint Denis to the Boulevards. But in doing so, it suffered severely from the citizens, who, in this quarter, had always manifested a determined spirit. They had erected so many barricades in this street, amounting it is said to thirty in all, that, although the troops surmounted every obstacle, and finally gained the Porte Saint Denis, it was a work of infinite labor and much time; and when they reached the end of their appointed march, they found that the barricades had been renewed

and strengthened behind them, so that it was impossible to re-join their comrades, and at the same time the Boulevards were equally blocked up on each side of them: so that they were compelled to abandon the field and return to the Tuileries by the Rue du Faubourg Saint Denis and the outskirts of the city.

Meanwhile the residue of the third column was left in a most perilous situation, in the Marché des Innocens, blocked up and harassed by a continually augmenting multitude of people, who were walling up the streets with barricades. Finding that his ammunition began to run short, the commander was compelled to despatch an aide-de-camp disguised in the dress of a citizen, to obtain relief. In fact, the troops at this point suffered more, and the conflict waged here was more sanguinary, than at any other point except the Hôtel de Ville. The messenger succeeded in reaching head quarters, and a battalion of Swiss Guards was immediately despatched to relieve the disheartened troops. The poor Swiss missed their way, as wiser men might easily have done, amid the blind alleys and crooked streets through which they had to pass; and reached the Marché at last, barely in season to rescue the remains of the third column, and conduct them back by the Place du Châtelet and the Quais to the Louvre, where they took a position.

The three columns, whose movements we have followed, were engaged in a series of skirmishes, which ended in defeating

the whole plan of operations for the day, so far as they were concerned. The fourth column alone sustained a genuine battle. It was not anticipated, when they started from the Tuileries, that they were strong enough to perform alone the service on which they were sent; for the second column was to have joined them at the Grève, which both united were to defend against the citizens. But, as we have already seen, the second column was compelled to leave the fourth to its fate; and of course, when the latter reached the Hôtel de Ville it found itself alone. They proceeded by the Quais as far as the Pont Neuf, and there, instead of continuing directly to the Place de Grève, they crossed the Seine, and passed along the Quai de l'Horloge to the Marché aux Fleurs, which abuts on the Pont Notre Dame, a bridge a little to the westwards of the Pont de la Grève, and opposite the Quai Pelletier, which opens into the Grève. The general decided to recross the river by the Pont Notre Dame, sending forward a detachment to make a demonstration by the Pont de la Grève. At the Pont Neuf he had found part of the 15th regiment of the Line, which, by virtue of orders from the Duc de Raguse, he required to support him in his movement on the Hôtel de Ville. One battalion of these troops of the Line followed the Guards across the Pont Notre Dame, while others remained on the Marché aux Fleurs to observe that neighborhood.

Early on this day the citizens

had entered the Hôtel de Ville for the purpose of ringing the tocsin and hoisting the tricolored flag. They did not attempt, however, to convert the edifice itself into a military position, but were contented with occupying the square and the neighboring streets. Here, in the course of the day, they had collected in great numbers, and had become in a qualified degree organized, so as to act in masses and under the direction of leaders. When they saw the troops approaching, they marched forward with drums beating to occupy the bridge, by which the Guards were to cross the river. M. Bermond de Vacherés, the commanding officer, caused his cannon to be brought to the middle of the bridge, and then rode forward himself to conjure the people to retire and give him free passage. But the citizens refused to hear him; and an adjutant having been killed at his side by their fire, he dispersed them by a discharge of grape shot, and occupied the Quai de Gèvres and Quai Pelletier at the termination of the bridge. In the mean time the detachment, which was to cross the Pont de la Grève, and, which ought to have waited for the other detachment coming up by the Quai Pelletier, so that both should enter the Place de Grève together, had rushed on impetuously, and entered the square alone, where it was exposed to the whole fire of the people from the houses, the square, and the corners of the streets opening into it. At length the other division of the column came on to the support of their comrades, and they

succeeded in gaining possession of the square, and for a time silencing the fire from the houses, although it was still continued out of one of the cross streets called Rue du Mouton, and from the opposite side of the Seine.

In the Rue du Mouton the citizens had entrenched themselves behind barricades, and severely annoyed the troops on the square. The Guards charged up the street, and carried the barricade, but it was soon retaken by the citizens, who from time to time renewed their fire also from the houses. The Guards had reckoned on being supported in their position by the light infantry of the line, posted on the south side of the river. When, however, the Guards in the Place de Grève began to suffer from the fire of the citizens on the opposite Quais, messages were sent to the officer of the Line who commanded there, and finally he refused to interfere. The consequence was that the citizens, secure behind the heavy stone parapets, which in Paris border the Quais along the banks of the river, and protected in some sort by the soldiers of the 15th regiment, soon filled the Quai de la Cité, on which the suspension bridge of the Grève abuts, and kept up a well sustained fire on the Guards.

Such was the situation of things when a body of cuirassiers, which had been detached from the column commanded by M. de Saint Chamans for the purpose, came to announce to the Guards in the Place de Grève that the long expected column had been obliged to return to head-quarters,

instead of coming to their support. The cuirassiers had fought their way along through innumerable difficulties, and only succeeded in entering the Grève by means of a powerful diversion made by the column there, to assist them in doing it. The cuirassiers were followed by the 50th regiment of the Line, under M. de Maussion. They had voluntarily abandoned their position on the Boulevards to return to their barrack; but finding it occupied by the insurgents, they had continued onward to the Grève, after an express engagement with M. de Maussion not to act against the Parisians, and were now placed in the interior court of the Hôtel de Ville. The commanding officer of the Guards, finding, after five hours of continual firing, that his ammunition began to fall short, now sent to the Tuileries for succor. A detachment of two hundred Swiss accordingly came to their relief; and in the movements necessary for placing the Swiss in the position occupied by the Guards some confusion occurring, the citizens took advantage of it, and made a simultaneous attack on the troops from all points. Although repulsed by the murderous discharges of the Guards, the people continually returned to the attack, with the courage and perseverance of veteran soldiers, giving the Guards but little respite and no opportunity for repose, while the cavalry were perpetually exposed to the plunging fire of the citizens on the Quai de la Cité.

This state of things becoming insupportable to the troops, they

determined to retire into the Hôtel de Ville, abandoning the defence of the square and its outposts. M. de Bermond says that the insurgents *mistaking this movement for a retreat*, followed it up with another general attack. There was no mistake about it. There is no meaning in words if it was not a retreat. The ammunition of the Guards was wholly exhausted, and they were obliged to have recourse for a partial supply to the regiment of the Line, who were quiet spectators of the scene. The Guards were in fact *compelled to take refuge in the Hôtel de Ville, where they would cease to be a mark for the sharpshooters among the citizens*, and could themselves fire upon the people from a sheltered post, while their horses were safe in the court-yard of the Hôtel. Here, therefore, the troops remained until towards night, when a disguised messenger arrived, and announced to them that they were to evacuate their position, and retreat to the Tuileries as they best could. It was concluded to wait until midnight, when it was presumed the Parisians would have retired to their homes, and then to retreat by the same route they had come, as the Conciergerie and other public buildings occupied a considerable space along the southern Quais, and of course the people were less likely to interrupt their march by firing from windows in that quarter, than from the closely inhabited tenements of the direct course by the Quai de la Mégisserie.

These troops were thus engaged for twelve hours, without any

food, or any refreshment, except a few bottles of wine much diluted with water, which the soldiers bought of some wine-sellers on or near the square. The number of their killed and wounded is variously stated, but amounted, it would seem, to two hundred or two hundred and fifty in all.\* The destruction of the citizens was undoubtedly much greater, as they exposed themselves unreflectingly, and were subject to the shot of cannon; but it is difficult to ascertain the exact number that fell at this particular part of the city. Many bodies were thrown into the Seine; and although, as we shall state hereafter, calculations were made as to the number of killed and wounded by the returns of the hospitals, and so forth, yet these calculations do not fix the extent of the destruction of life at the Hôtel de Ville. But all the blood shed here was cheaply expended, the result of its effusion being all important, because it was in fact a decided victory in itself and in its consequences upon the royal cause. The Guards retreated at midnight, as had been arranged, and it was well for them that they did not longer delay their march, as the number of barricades was increasing every hour, and their return would soon have been impracticable. They found the 15th regiment of the Line posted very tranquilly at the Palais de Justice and on the Pont Neuf,

observing a very patient neutrality in this war between Charles X. and the population of Paris.

Thus terminated the military operations of Wednesday the 28th of July. They had wholly failed of their intended effect on every point. Three of the four columns had been fairly beaten, or at least beaten off, in the enterprises they had undertaken. Whatever success they may have had in a military point of view,—for the Carlists flatter themselves with the consolation that in a military point of view the troops succeeded, because they made good certain positions for a time,—yet morally speaking they were totally and absolutely vanquished. There is no question about this in truth and in fact. They had attempted certain objects, and had been driven back to head-quarters, leaving those objects but half accomplished at best, and the field of battle in possession of the insurgents. This would be called victory by all rational men, whatever the advocates of despotism. English or French, may see fit to term it. As for the first column, it did nothing, good or bad, and therefore does not vary the result. We should add that some irregular skirmishing occurred in the course of the day between the citizens and the Gendarmerie, or small parties of the Guards, in the Rue Saint Honoré, the Place du Palais Royal, and the Place des Victoires. Marshal Marmont

\* M. de Bermond says there were 50 or 60 wounded to be carried away in the retreat. M. Delaunay, another officer, says the wounded amounted to 150 or 200 men. The difference is accounted for by supposing that M. de Bermond speaks of the badly wounded only, and M. de Delaunay of all the wounded. M. de Bermond speaks of 40 men being *hors de combat* at five o'clock.

himself having occasion to visit the post at the Bank, had a narrow escape on the way. With the exception of these little skirmishes, our account of the movements of the four columns of the Guards exhibits all the fighting which took place on Wednesday.

The fatigued and dispirited troops, who had been contending all day under a burning sun in July without any nourishment, found that no arrangements had been made for provisioning them at head-quarters. By some extraordinary neglect, they were left destitute of supplies, when the Government had the command of all the avenues to the city, and might have provided food in abundance. The insurgents, on the other hand, were plentifully supplied with every necessary, the whole city being anxious to succor the wounded and to relieve the wants of all. In the course of the evening, detachments of Guards came in from Versailles and Rueil, about one thousand seven hundred in number; but these, it is said, did not quite compensate for the losses, which the garrison of Paris had already sustained. Much of the loss consisted of soldiers disarmed and dispersed at the different posts about the city before the combats began: the rest, of the killed and wounded in the various engagements. The Guards expected to have been received at the Tuileries by the King or the Dauphin, in whose behalf they had been all day fighting; but those worthy personages, we suppose, had been too busily occupied in hunting, to have time for thanking the ill-

merited devotion of their household troops. Towards night the King was fully informed by the Duc de Raguse of the exact state of things, by means of his aide M. de Komierouski, as well as by written communication. Marmont was anxious to impress upon Charles the necessity of some accommodation, as the only method to preserve his Crown. But the only answer the King gave was an injunction to the Marshal 'to persevere, to assemble his forces on the Place du Carrousel and the Place Louis XV., and to act with masses;' thus impliedly censuring the conduct of Marmont in dividing his forces, and scattering them over Paris.

We have occasionally referred to the conduct of the troops of the Line on this day as favorable to the insurgents. Their sense of discipline did not permit them to engage in the insurrection, while on the other hand their political convictions prevented their aiding the household troops. So early as Tuesday a detachment of the 5th regiment, being marched into the Place du Palais Royal, entered into an engagement not to fire on the citizens, and was received by the latter with loud manifestations of applause. It is said that this same 5th regiment being ordered to 'make ready' to fire on the people on the Boulevards, obeyed; and when the word 'present' was given, turned their pieces on their Colonel, waiting for the order to fire. Whether this anecdote is true or not, certain it is, that the three regiments posted along the Boulevards, fraternized with the people in a very short

time, and only maintained their position, without offering any annoyance to the armed citizens, who continually greeted them with cries of 'Vive la Ligne!' The defection of the 15th was more signal, because they were in full view of the Guards on the Place de l'Hôtel de Ville, who stood in pressing need of their support. But all they did was to stand quietly where they were drawn up, gently keeping back the people when they pressed too closely, and complaining to the latter of remaining drawn up under a hot sun all day without meat or drink. The fact is the soldiers of the Line heartily sympathized with the insurgent citizens, and the officers generally concurred with the liberal party in their opinions of the obnoxious Ordinances, and were contented with keeping their men quiet, without seeking to bring them into conflict with the Parisians.

Indeed the Guards should receive the credit of having performed their bloody task with extreme reluctance, and a praiseworthy degree of forbearance, where this was consistent with obedience to orders, greatly to their honor. We have seen what took place on the Pont Notre Dame, before the troops fired; and the case was not a solitary one. We copy one of the popular accounts, in stating, that when the cavalry of the Guard charged for the first time, an officer cried out to the people, with tears in his eyes, 'For the love of God, in the name of Heaven, go to your homes.' When the Guards were ordered to fire from the Hotel on the Quai d'Or-

say, they levelled their pieces above the heads of the people, so as to intimidate without inflicting injury. In the streets, they appeared to feel that they were performing a most painful duty, being evidently filled with gloomy anticipations of the future. It is also remarked of the cavalry that they displayed great forbearance on all occasions. The lancers, cuirassiers, and mounted gendarmes were engaged everywhere, and were the special objects of popular resentment, especially the lancers and cuirassiers, who were pertinaciously assailed in every possible way. They made frequent and furious charges, they were shot and bruised, and their horses killed or lamed under them, by bullets, stones, bottles, and other missiles, and they struck down many persons in return. Nevertheless, it is astonishing how few men were wounded, during the Three Days, by thrusts of the lance or sabre cuts. The cavalry also fired their pistols and carbines frequently, but still with little effect. The comparative inefficiency of their operations may be partly ascribed to the difficulties of their situation, but more to their feelings of humanity, and unwillingness to imbrue their hands in the blood of their fellow citizens.

Their aversion to the service on which they were employed was not diminished by the events of the day. One of the officers of the Guard resigned his commission, in a letter to M. de Polignac, the acting Secretary of War, which deserves to be recorded for the manly sentiment it



speaks. It is in the following words :

‘MONSEIGNEUR :

After a day of bloodshed and disaster, undertaken against all divine and human laws, and in which I have borne a part from a respect to human authority for which I now reproach myself, my conscience forbids me to serve one moment longer.

‘I have in my life given too many proofs of my devotedness to the King, not to be permitted, without my intentions being calumniated, to distinguish between what emanates from him, and atrocities committed in his name.

‘I have therefore the honor to beg you, Monseigneur, to lay before the eyes of his Majesty my resignation as Captain of his Guard.

‘I have the honor to be, &c.

‘THE COUNT RAOUL DE LATOUR  
DU PIN.’

July 28, 1830.

While discontent, disaffection, and the conviction of being embarked in a bad and a losing cause paralysed the royal troops, the Parisians were busy in confident preparations for renewing the contest on the ensuing day. They had seen the advantage of the barricades hastily thrown up by them during the agitation of battle, and they resolved to avail themselves to the utmost of the facilities, which the city afforded, for thus obstructing the evolutions of cavalry and artillery. No sooner had the Guards begun to recede than all classes, ages, and sexes devoted themselves to the

task of heaving up these ready fortifications. The pavements of Paris consist of large cubic stones broken into shape, and these were dug up and piled into thick walls stretching breast high across the streets. These heavy mounds were surmounted or strengthened with barrels full of stones, and large beams and gates, while every species of carriages, the huge diligences of the Messageries Royales or of Laffitte and Cailard, the long omnibuses, fiacres, cabriolets, wagons, private coaches, — all were indiscriminately seized, and converted into ramparts to block up the principal thoroughfares. On the Boulevards the fine trees, which adorned that noble avenue, were sacrificed in the cause of patriotism, and cut down to perform their part in the grand system of barricades, which now rendered Paris utterly impassable for horses or any kind of vehicle. In fact, the Guards were thus effectually shut out of every part of the city, except the open spaces which they occupied about the Tuileries.

We may observe that Paris presents facilities, in the style of its buildings, for being put in a state of defence, far beyond the large cities of the United States. The inhabitants of all classes are in the habit of residing in flats, so that a respectable family instead of occupying all the parts of the building as with us, often dwells on a single story, with other families above and below it. Of course they enter from the street by a single door, which is commonly a large *porte cochère*, opening perhaps into a courtyard,

with the buildings in a quadrangle surrounding it. This common entrance is generally kept closed, and is always attended by a porter, whose business it is to open and shut it when occasion requires, and to receive the messages, letters, and so forth, intended for the families within. Thus it happens that the houses present to the street a solid defensible front, difficult of attack, and afford a safe shelter to marksmen, whence they may fire upon troops as they go along with hardly the least degree of hazard. In the narrow streets, where the buildings are lofty, and inhabited by many persons in the humble walks of life, the peculiarities in their construction greatly favored the people, and were in the same way the source of much embarrassment to the military.

Thursday the 29th of July at length arrived. The tocsin had been ringing out its melancholy peal during the night, summoning the citizens to arm for this last day of the battles of liberty. Yesterday and the day before the indiscriminate populace of Paris, the small shopkeepers, artificers, and workmen of the faubourgs, had covered themselves with glory as the unofficered, and disciplined, unorganized soldiers of the Charter. Call them National Guards, or call them citizens, they were at any rate mere popular assemblages, without any responsible head, or any leaders, cither than such as boldness of spirit and strength of body created at the spot. But today the aspect of things was changed. La Fayette, Gerard, Dubourg, Robau, the veteran sons

of the Revolution, wise in council and brave in the field, came forth to communicate vigor, and character to the heroic efforts of the Parisians. The assembled Deputies of France had assumed the insurrection, and had given it their sanction as a movement of the French Nation. The *tricolor*, the proscribed badge of regicides and jacobins, the sacrilegious symbol of revolutionary fury, was now the livery of all in Paris, whether high or low, except the beleaguered Prætorian colouris of the wanton violator of his oath, of the infatuated usurper of the liberties of his native country. Nor were subordinate leaders now wanting, to direct the mechanical operations of actual combat, inspiring by their zeal, and organizing by their science, the brave bands of the barricades in these the closing triumphs of the glorious 'Three Days.' The ardent young students of the Schools of Law and Medicine and the beardless boys of the Polytechnic School had appeared occasionally in the scene on Wednesday, but in small numbers and as common combatants. Today they came forth in a body, particularly the young men of the Polytechnic School; and instantly gaining the confidence of the people by their manifest intrepidity and skill, they soon introduced a certain degree of regularity and of discipline among the soldiers of the Charter.

The Polytechnic School (*Ecole Polytechnique*) is one of the noble institutions, to which the Revolution gave birth. It was founded by a decree of the National Convention in 1794 by the name

of *Ecole Centrale*, and in the following year took the appellation it now bears; its great utility having secured to it the protection of every succeeding government in France from that time to the present. Its principal object is to give instruction in those branches of science, which prepare for the pursuits of the engineer and the soldier. The ordinary mathematical and physical sciences, together with engineering, civil, military, and naval gunnery, and other departments of the application of abstract science to the arts of peace and war allied to these, form the studies of the *Polytechnic School*. A large number of excellent officers, engineers, and scientific men have received their elementary education in this celebrated establishment. Pupils are admitted from the age of sixteen to twenty, and are allowed to remain two, and in some cases three years. Notwithstanding their youth, the nature of their studies and the discipline of the institution fitted them to act the part of leaders and officers among the untrained *bourgeois* of Paris.

The numberless advantages of Paris as a place of professional education have rendered it the residence of great numbers of students of law and medicine. Although destitute of the military knowledge possessed by the students of the *Polytechnic School*, their general intelligence, their standing in society, and their earnest devotion to constitutional principles made them no mean actors in the stirring scenes of the Three Days.

Obedient to the commands of

the King, and taught by the experience of the last two days, Marmont concentrated his forces today in large masses in the neighborhood of his head-quarters. Whatever might have been his intentions if things had proceeded favorably, his actual operations were mostly of a defensive nature. The Guards at this time exhibited a force of eleven battalions of infantry and thirteen squadrons of cavalry, amounting to 4300 men. The four regiments of the Line still remained under the nominal orders of the Marshal, and notwithstanding their previous conduct, were considered by him in the general disposition of his forces.

To render intelligible the incidents of the day, we must explain the relative situation of the several positions occupied by the troops. The *Seine*, it will be remembered, flows from east to west through the heart of Paris. Three considerable islands are here formed by the river, the largest of which is the *Lutetia* of the Romans. '*Lutetiam proficiscitur*,' says Cæsar, '*id est oppidum Parisiorum positum in insula fluminis Sequani*;' and this island is now familiarly termed *La Cité*. Upon it the *Palais de Justice* and the *Cathedral of Notre Dame* are situated; for it is not in the wilds of America only that a courthouse and a church form the nucleus of the future city. The *Quai de l'Horloge*, *Marché aux Fleurs*, and *Quai de la Cité* compose the northerly edge of the island, facing the *Quai de la Mégisserie*, *Quai de Gèvres*, *Quai Pelletier*, and the *Grève*, the localities so often

referred to as constituting the opposite bank of the northern channel of the Seine. The principal interior Boulevards describe a semi-circle resting upon the river, of which the island of La Cité may be considered the centre, and which thus incloses the northern half and the most populous part of Paris. Surrounding the Boulevards thus described are the northern Faubourgs, beginning with the Faubourg Saint Antoine in the east and contiguous to the Bastille, and ending with the Faubourg Saint Honoré and the Champs Elysées in the west. The southerly half of Paris on the opposite side of the Seine is less regular than the other, but has a general correspondence to it in form and appearance.

At the westerly extremity, then, of the city, and adjacent to the northern bank of the river, are the Louvre and the Château of the Tuileries, which although bearing different names, are one connected mass of buildings; and in continuation onward from them are the Gardens of the Tuileries, the Place Louis XV., and the Champs Elysées, extending by the broad avenue of Neuilly to the gate or barrier of that name. The Palace of the Louvre forms a perfect quadrangle, inclosing a public court four hundred and eight feet square, which is entered by passing under spacious vestibules or arcades, one on each of the four sides of the Palace. The Tuileries consisted for a long period of what is now only the main body of the edifice, which comprises a range of buildings on a single line, extending on a ground plan

1068 feet perpendicular to the Seine. Of this range or block of buildings, the extremity next the Seine is called the Pavillon de Flore, and the Pavillon Marsan forms the opposite extremity. It fronts on the Garden of the Tuileries, having its reverse, of course, towards the Louvre, with a large public vestibule or arcade passing under it, so as to constitute an avenue from the Garden to the Louvre. On the side of the river, a range of buildings stretches from the Pavillon de Flore to the Louvre, thus uniting the two Palaces, and forming the magnificent Galerie du Musée, or picture gallery, 1332 feet in length. Another range of buildings constructed by Napoleon, and facing the Rue de Rivoli, extends from the Pavillon Marsan about half way towards the Louvre, it having been his intention to unite the two edifices on this side also, as well as on the side of the Seine. The Cour du Palais, and the Place du Carrousel, on which stands the celebrated arch, are separated only by a gilded balustrade, and occupy the whole space within the two galleries or wings of the Tuileries. The residue of the space between the Palaces is partly open and partly covered with ordinary buildings.

Receding a little from the river and just north of the Louvre and the Tuileries, is the Palais Royal so called, the residence of the Duc d'Orleans, separated from the former by a few short cross streets, and having the Rue Saint Honoré between, a long street which under various names runs parallel to the Seine from

the *barrière du Trone* on the east to the *barrière du Roule* on the west. The *Rue de Castiglione* crosses the *Rue Saint Honoré* at right angles, making a communication from the Garden of the *Tuileries* to the *Place Verdôme*. On the other side of the *Seine*, leaving the *Place Louis XV.* by the *Pont Louis XVI.*, you come successively to the *Palais Bourbon*, occupied in part by the Chamber of Deputies, and in part as the residence of the *Duc de Bourbon Condé*, to the *Hôtel des Invalides* with its extensive esplanade and grounds, and to the *Ecole Militaire* fronting upon the *Champ de Mars*.

It is far from our purpose to give a description of Paris, or of any of the different objects we have designated, all we intend being, to make military operations intelligible by pointing out the situation of certain points with reference to those operations. The troops were distributed at the various positions, of which we have given an account, as follows. A battalion of Guards occupied the *Ecole Militaire*. The grounds of the *Invalides* were left to the defence of the school for staff officers. The *Palais Bourbon* was entrusted to the Line, who also extended to the *Place Louis XV.* and the Garden of the *Tuileries*. Three battalions of Guards also formed in the Garden. A Swiss battalion was posted in the *Place du Carrousel*, another in the interior court of the *Louvre*, and a third in the colonnade and windows of the *Louvre* itself. Two battalions of Guards were distributed at different posts along the *Rue Saint*

*Honoré*, some in the houses, others at the *Palais Royal* and the Bank of France, which is near it. Two others extended from the *Place Louis XV.* along the *Rue Royale* to the church of *La Madeleine* and the *Boulevard des Capucines*. The cavalry were chiefly in the *Champs Elysées* or about the *Tuileries*.

All these arrangements, we repeat, were apparently defensive in their object. *Marion* had, in compliance with the injunctions of the King, concentrated the troops in masses all around the *Tuileries*; and in so doing he might continue to maintain that position against the people. But what then? The Nation was now in arms; and what could a few thousand guards accomplish against the whole of France? Would the Ministers counsel the King to bombard Paris? If they intended effectually to treat it as a besieged city, the question would have come to that; and then it would have been advisable for *M. de Polignac* to ascertain whether he could find troops of the Line enough to invest Paris in regular siege, and carry matters to the extremity of destroying the metropolis. It is well known that no such orders would have been submitted to by any of the regular troops. What then, we ask once more, could Charles hope to effect by means of his masses? We profess that we do not see anything of a more practicable nature in the operations of Thursday than in those of Wednesday, notwithstanding the generosity and good sense of the Carlists, who are disposed to cavil in every way

at the proceedings of Marmont, and to throw on him the blame of a failure, which arose out of the intrinsic rottenness of the cause itself.

Let even handed justice be dealt out to all parties. A blind infatuated King attempted to suppress the liberties guaranteed to the nation by the fundamental law of the land. Weak and narrow minded counsellors became the dishonorable agents of his usurpation and perjury. They made no fitting preparations, in fact, no preparations at all, to compel obedience to the unlawful decrees of their master. When the day of trial came, and a revolution had already commenced, they called upon a Marshal of France to command the forces which garrisoned the capital, in the expectation that he would achieve an easy victory over a yielding mob. He made such a disposition of his troops as the views of the time recommended to him, and he failed, because his forces were inadequate to accomplish his purpose, and because the despised mob proved to be a brave and warlike host. Whether the plans of Marmont were judicious or not is wholly immaterial. Whatever they had been, and however fortunate they might have favored their execution, their success would but have caused greater effusion of blood; for all France, including the army itself with the exception of the Guards, was against the King, and sooner or later he must have yielded to numbers, notwithstanding any temporary advantage he might have enjoyed in his attack on the Parisians. The

King and his Ministers should therefore bear the blame of their folly and insanity in the entire transaction, and in each and all of its parts, instead of meanly seeking to throw the responsibility for failure upon Marshal Marmont. His real error, in our judgment, was of a political, not a military, nature; it consisted in his undertaking the task of dragooning the citizens into submission, not in his failing to accomplish it.

But to return to our narrative, these arrangements of the troops having been made, the People themselves became the assailants, in the movements of this day. The armed citizens surrounded the various points of Marmont's line, and maintained an incessant discharge of musketry upon it from every quarter. Their exertions were particularly directed to the Louvre and the Tuileries, the centre of the royalist position, which they endeavored to carry by repeated assaults, conducted with the bravery and pertinacity of veteran soldiers. Sheltering themselves under the parapet walls along the southern bank of the river, and standing even behind the pillars of the Institute, which is on that side of the Seine and opposite to the Louvre, they fired with comparative impunity upon the troops stationed in the latter edifice. The citizens fought with equal resolution, but at great disadvantage, on the other side of the Louvre toward the Palais Royal, particularly from the square of the Church of Saint Germain l'Auxerrois.

Early in the day the officer of the Line who commanded at the

Palais Bourbon, entered into negotiation with the citizens, which resulted in his peaceably withdrawing his troops into the garden of the Duc de Bourbon, leaving the insurgents in possession of a post, which commanded the Place Louis XV. They retained it for some time, greatly to the annoyance of the Guards, on whom they could now fire from the shelter of the columns in front of the Chamber of Deputies and from other points of the edifice. The troops of the Line stationed in the Place Louis XV. soon retreated to the alleys of the Champs Elysées, without returning the fire, and a body of Guards was compelled to march across the Pont Louis XVI. and dislodge the citizens from the Palais Bourbon. When they had done this, they found the regiment of the Line in the garden of the Palace, keeping entirely aloof from the combat.

At about the same time two regiments of the Line, stationed in the Place Vendôme, shouldered their muskets with the butts in the air, and abandoned the Marshal to his fate. When Marmont received intelligence of this additional defection, he became satisfied that a continuance of hostilities was perfectly unnecessary now that his two wings, which composed half his force, had deserted him, leaving his centre to sustain the war alone; and he proposed an armistice, in the hope that an accommodation might yet be made with the King that should put an end to the insurrection. M. de Sémonville, a peer of great authority and influ-

ence, who held the office of grand referendary of the Chamber of Peers,—an office created for managing the pecuniary and business affairs of the Chamber,—repaired to the Tuileries this morning, to insist, in the name and behalf of the Peers, that conditions of accommodation should be procured from the King. The wishes of Marmont, as we have repeatedly observed, were decidedly adverse to the course he had been required to pursue, and no man was more anxious than he to bring about peace. M. de Sémonville maintained the same ground, which M. Lafitte had taken in his interview with Marmont the day before. But this energetic nobleman went further than to demand of the Ministers that they should resign. He proposed that they should be arrested on the spot if they refused to resign; and his representations had so much effect, that the Ministers repaired to Saint Cloud at eleven o'clock, for the purpose of presenting to the King their resignations. They left the Tuileries just before the defection of the troops of the Line; and Marmont had so much confidence in their success, that he distributed a pacific proclamation, conjuring the citizens to lay down their arms in the prospect of immediately obtaining all they demanded. But an unexpected and most important advantage was just then obtained by the citizens, which accomplished a total change in the whole aspect of affairs, and decided the question forever against the reigning dynasty.

Marshal Marmont, it will be

recollected, had posted three battalions of Swiss Guards at the Louvre, one in the colonnade and galleries, another in the inner court, and another in the Place du Carrousel, that is under the windows of the *Galérie du Musée*. The position of the two Palaces, thus occupied, has been considered impregnable by the best military judges, and was so pronounced on this very day by competent persons, who examined it without having any interest in the question to bias their opinions. When the regiments of the Line deserted their stations in the Place Vendôme, a post so important on account of the access it gave to the Tuileries, the Marshal hastily ordered one of the battalions of Swiss from the Louvre to supply the place of the revolted troops. The Louvre was already garrisoned rather insufficiently, considered how hotly it was attacked by the citizens; and the battalion which occupied the building itself was absolutely indispensable to the defence of the position. It happened, unfortunately for Marmont, that the Swiss in the Louvre were commanded by the Comte de Salis, the officer who lost his way the day before in going to the succor of the troops in the *Marché des Innocens*, and who seems not to have possessed a very clear understanding. By an extraordinary error in judgment or singular mistake of his orders, this officer, instead of sending either of the two battalions in the courts, marched off the very corps which alone defended the Palace itself.

The Parisians, of course, im-

mediately perceived that the firing from the Louvre had ceased, and pressed their attack with renewed zeal. Finding still that they encountered no opposition, they at length crowded in at the lower windows, and took possession of the whole interior of the edifice, first occupying the windows which overlooked the inner court, and then the *Galérie du Musée*, which commanded a long space beneath as far along as the arch of the Carrousel and the court of the Tuileries. Suddenly the Swiss in the court of the Louvre found themselves exposed to a deadly fire from the windows of the Palace above them, and struck with a sudden panic they fled in disorder into the Place du Carrousel. At the same time the Parisians opened their fire from the *Galérie du Musée*. Filled with consternation at the continuance of this unexpected fire from all the windows of the Louvre, the whole body of Swiss rushed precipitately into the railed court of the Tuileries among the lancers drawn up there, followed close by the fire of the Parisians. All was now confusion. The Swiss thronged towards the arched vestibule under the Tuileries, which leads from the Place du Carrousel into the Gardens, overturning everything before them, and converting what at first was only a retreat into a wild disorderly rout. But here, at this very vestibule, were the head-quarters of the army, and here was the Marshal himself. Marmont was carried along, surprised and astounded by the precipitate retreat of his own troops, and hastily made his way into



the Garden, where the flying battalions again formed. But the day was now irretrievably lost. Seeing the troops waver, the citizens pressed on from this side, and Marmont was obliged to order his troops to evacuate the city, and retreat with all possible despatch upon Saint Cloud.

Marmont was driven so suddenly from the Tuileries that he had no time to remove the military chest, or to take any measures to preserve his outposts from destruction. The detached parties of Guards in the Rue Saint Honoré, in the barrack of the Rue de Babylone, and elsewhere, who knew nothing of the events of the Tuileries, were overpowered, and mostly killed by the triumphant citizens, who thus gained absolute possession of all Paris. The citizens rushed into the Tuileries, as promptly as they had entered the Louvre, and the princely halls of the Château, its rich dormitories, and the secret cabinets of royalty itself, were speedily filled with the profane crowds of the populace of Paris, and the People were now in reality the Sovereigns of France. Charles had ere this recalled the illegal Ordinances and accepted the resignation of his Ministers; but all too late; for while he was deliberating on subject the reign of the Bourbons had ended, and the sceptre passed away from their hand. A Revolution, as glorious in its consequences as it was in its achievement, had been accomplished in the short space of three days, and France was free.

We should greatly overstep the reasonable limits assigned to our

yearly chronicle of events, if we attempted to relate the individual traits of patriotism and heroism, which ennobled the Revolution of the Three Days. The newspapers and popular publications of the day have abounded with anecdotes of the self devotion of the boyish students, the common workmen, nay the women of Paris, which would have done honor to the spirit of old Romans. But the course of our narrative confines us to the leading incidents and the general results of the contest. The bravery of the citizens has been so frequently signalized in the preceding pages, that we need not dwell upon it here. But we should do the Parisians extreme injustice not to speak of the spirit of good order, of obedience to the laws, of deference to the rights of person and property, of courage tempered with mercy, which distinguished their conduct throughout these trying scenes. The Government did everything in its power to introduce anarchy and confusion. It wantonly violated the Charter. It declared Paris in a state of siege, thus suspending the ordinary courts of justice, and substituting the arbitrary will of a soldier in the place of the regular movement of the laws. But the People were more virtuous than the King. In the midst of the heats and violence of civil war, the citizens respected private property, with as much sedulous care as if the laws had possessed their accustomed vigor. No private resentments were prosecuted, no booty was unjustly acquired, during the period, when unbridled license would have

seemed to be the order of the day. The citizens took possession of arms wherever they could find any; but neither the treasure of the Bank nor the riches of the Tuileries could tempt them to lose sight of the high and noble purpose, which animated them in the great controversy, now put to the issue of war. The meanest individual seemed to feel that he was fighting the battles of the Charter, and the feeling exalted him above the scope of every lowly passion, rendering him as high minded in principle as he was courageous in conduct.

On the other hand, however, it is necessary that we should carefully exercise our judgment, in considering the events of this period, to avoid being misled into false views. We have no disposition to detract from the merits, or to disparage the sufferings and sacrifices, of the brave Parisians during the ever memorable Three Days. Our hearty sympathy with their cause is sufficiently apparent in every page. Nor could we desire that so noble a triumph as they achieved, so grand a Revolution as they accomplished, should have been achieved or accomplished at greater loss of human life than actually occurred. Still we must say that the exaggeration and rhodomontade of the popular accounts of the engagements of the Three Days pass all bounds. The whole effective force of Marmont, as we have seen, never exceeded six thousand men; and on Wednesday the 28th, when the real battle of the Revolution was fought, this force was cut up

into detached columns, which engaged separately with large masses of citizens. The conflicts in the Place de l'Hôtel de Ville were the most desperate and sanguinary of the whole day. And yet after all there were but a thousand men here of the royalist troops. But the terms of grandiloquence applied to the discharges of so small a force would shame a bulletin from the field of Borodino, or any other scene of terrible carnage, where death has gathered up his victims by hundred not by units. We suppose the hypobolical extravagance in questioning this to be pardoned to mere Parisians, who were unused to scenes of blood, and who had really displayed as true courage and gained as imperishable glory, as if the bloodshed of the Three Days had been answerable to the horrors of a pitched battle between contending empires. But while we pardon, we cannot but condemn it, as an unworthy trait in itself, and as tending greatly to impair the credibility of the early accounts, of the Revolution. Those accounts are extremely inaccurate in many respects, as they give no complete idea of the military events of the Three Days, even where they are substantially true; and as they state many important things as fact which never took place. The repeated capture and recapture of the Hôtel de Ville, the storming of the Louvre and of the Tuileries, — these are imaginary incidents, which appear in bold relief in newspaper articles of the time and in other equally authentic sources of information. Some of the sketches

published would represent the loss of the troops as being greater than the whole number of troops engaged in the contest. But it is not so. In fact it has been pretty satisfactorily ascertained that the loss on both sides did not exceed three thousand men killed and wounded. Deduct-

ing, however, whatever is exaggerated in the popular statements concerning the Revolution, enough of glory remains to the Parisian population, and enough of consequence in the victory achieved, to render it one of the most interesting events in modern history.

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## CHAPTER XVII.

FRANCE, CONTINUED.

*Provisional Government of Thursday. — La Fayette. — Proposal of the King. — The Duc d'Orleans made Lieutenant General. — State of Paris. — Expulsion of the Bourbons. — Remarks.*

WE gave in the preceding chapter, a sufficiently minute history of the military events of the *Three Days*, which in so brief a period completely destroyed the power of Charles Tenth. But in the emergency of a popular Revolution, it is often easier to destroy than to renew, easier to overthrow existing institutions than to establish new ones in their place. Fortunately on the present occasion the People, who for the time being had resumed their natural authority, were temperate and judicious in their views, and after they had fought for and won their liberty, returned peaceably to their ordinary pursuits, leaving to the chosen and respected public men of the Nation to reorganize the forms of Government. The *Moniteur*, that expressive chronicle of political changes, did not appear on the 29th. Being the organ of the rulers *de facto*, who may happen to have the control of affairs, how could it speak on that day when there were no rulers? It was an *interregnum* alike of

the Government and of the *Moniteur*. But on Friday it reappeared under the dates of July 29th and 30th, with the following official article:—

### PROVISIONAL GOVERNMENT.

'The Deputies present at Paris have found it necessary to assemble to remedy the serious dangers, which threatened the security of persons and property. A Commission has been appointed to watch over the interests of all, in the entire absence of a regular organization.

'Messrs Audry de Puyraveau, Comte Gérard, Jacques Lafitte, Comte de Lobau, Manguin, Odier, Casimir Perrier, and De Schonen, compose the Commission.

'General La Fayette is Commander in Chief of the National Guard.

'The National Guard are masters of Paris at all points.'

These few sentences proclaimed to France and to Europe, the triumph of the Charter and the downfall of its assailants.

The individuals composing the Commission were universally known as the uncompromising advocates of the popular cause on occasions without number, and their names were a sufficient guarantee to the People at large of the character of the measures they would pursue, even had not La Fayette been announced as commander of the National Guards.

In fact, to the population of Paris these appointments were not a novelty. No longer restrained by considerations of delicacy, or any fear of compromising themselves, the Deputies had assembled at the house of La Fayette on Thursday, and made various arrangements of great importance. In placing La Fayette at the head of the National Guard, they had appealed to the old sensibilities and historical recollections of the People, in the same way the popular leaders of Wednesday had done in raising the tricolored flag. La Fayette and the tricolor were equally, under the Bourbons, proscribed memorials of the Revolution. — Immediately on receiving his appointment, he announced his acceptance in a proclamation, inviting the Mayor and Municipal Committees of each arrondissement of the city to send officers to the Hotel de Ville to receive orders. In this paper the Commission, of which we have spoken, are styled the Constitutional Municipal Committee of the city of Paris. It was soon after announced that the Comte Alexander de Laborde was appointed provisional Prefect of the Seine, and Baron

Louis Minister of Finance. Various proclamations were issued on that day by General La Fayette, by General Dubourg, whom the citizens themselves had at first installed in temporary command and who subsequently acted under La Fayette, and by the Deputies. The latter, in the midst of an ardent appeal to the citizens to arm, apprises them of the appointment of La Fayette to the command of the National Guard, and also announces the establishment of a Provisional Government. 'Three most honorable citizens,' say they, 'have undertaken the important functions: They are Messrs La Fayette, Choiseul, and Gérard.' It does not appear that the Duc de Choiseul ever assumed this authority: but his associates entered immediately upon the zealous discharge of the duties assigned to them. The Hotel de Ville became the seat of public affairs once more, as it had been in former times of revolution. In fact, in everything the days of popular rule seemed to be restored. But it was by the lavish use of the name, influence, and exertions of La Fayette that order was in reality maintained. He was replaced in the command of the citizen soldiery which he had led in 1789. His name was invoked by the Deputies in their proclamation as the talisman of public safety. And he again was put forward as first in the Provisional Government, which the exigencies of the time called into being. Never was more honorable tribute paid to the popularity, integrity, patriotism, and self-de-

votion of any man, in ancient or modern times, than in the spontaneous resort of the casual depositaries of power to La Fayette, as the only individual in France, whose personal influence could supply the total absence of an established or admitted government derived from the laws. In the unpretending form of Commander of the National Guard, he in fact exercised the functions, which, in ancient Rome and in the Republics of South America, would have belonged to the name and authority of Dictator.

When Polignac and his colleagues arrived at Saint Cloud, and laid down that power which they had thus so disastressfully for their King, they could persuade the infatuated prince to listen to arguments of accommodation only by weakening his apprehensions to the safety of the Duchesse d'Angoulême, who was then on her return from a journey, and knew nothing of what had transpired. His fears that a single member of his family might suffer, outweighed, in his selfish mind, all consideration of the lives of his subjects and the miseries of a protracted civil war; and to these fears, not to any principle of public good, he yielded him-self up, in consenting to recal the fatal Ordinances and appoint a liberal Cabinet. The Duc de Mortemart, who was in service at Saint Cloud as Captain of the Guards, was made Prime Minister, and empowered to select his colleagues. He began by naming Comte Gérard Minister of War, and M. Casimir Perrier Minister of Finance; and

these nominations appear in the *Bulletin des Lois*, although they never found their way into the *Moniteur*. A deputation from the King repaired to the Hôtel de Ville towards evening to propose an accommodation, but discovered that it was too late, and that there was no longer any hope for Charles or his dynasty; and with these consolatory tidings they returned to Saint Cloud.

Among those who had the control of public affairs at this time, the general sentiment already pointed towards one individual, who alone could give consistency to the Revolution, by embracing the popular cause as his own. The Duc d'Orleans united in his person a multitude of considerations, all marking him out as the person whom France now needed at the head of her Government, to give consolidation and respectability to the new order of things, and assure to it the confidence of Europe. It was a consummation to which, as we have before explained, all eyes had long been looking, as a possible if not a probable event. Perhaps in this case, as in many other great changes which history records, the anticipation of this result had a decided influence in leading to its accomplishment. It is true that many of the victorious party desired pure republican forms, in place of a monarchy of whatsoever degree of liberality. Others there were, who still proudly cherished the name of Napoleon, and urged that the dynasty of victory and the Revolution should be restored to power in the person of the Duke of Reichstadt. But

the great current of opinion, — and in such a crisis opinion is everything, — ran in favor of the family of Orleans.

As the wealthiest subject of France, the Duc d'Orleans possessed that hold on the public regard, which great riches, worthily and liberally employed, are calculated to impart. His rank placed him next to the reigning family, and of course drew attention to him, whenever the subject of a substitute for the elder branch of the Bourbons came to be discussed. The Duc d'Orleans, it will be remembered, was lineally descended from Philippe, only brother of Louis XI., from whom Charles X. derived his descent, the common ancestor of the two families being Louis XIII. son of Henry Quatre, the splendor of whose qualities had perpetuated his memory in the hearts of the French, in spite of all the odium attached to the misrule of his posterity. At the same time, as the Duc d'Orleans had no claims to the succession, so long as the Dauphin, or his nephew, the Duc de Bordeaux, or any legitimate posterity of theirs, survived, the elevation of the former would be a revolutionary act, a violation of the *jus divinum* principle, a departure from the hereditary succession; and therefore the Duc d'Orleans would owe his crown to the choice and free will of the French Nation, just as much as if he were a mere soldier of fortune elevated by his bare personal merits from the subaltern duties of the camp, and the indiscriminate ranks of the People. He ascended the

throne, it must therefore be by compact, and on such conditions as the public voice should see fit to impose.

And whatever recommendation the Duc d'Orleans gained by his proximity to the royal family, he derived a still greater one from his immediate parentage, his education, his own personal character, and the qualities of his family. The son of the Montagnard Philippe Egalité, who contributed more than any other single individual to heave Louis XVI. from his throne, inherited a revolutionary taint in his blood, from which no elements of royal relations in its composition could purify — and was thus driven from affection to the restored royal family into unavoidable sympathy with the Nation. At an early age, the then Duc de Chartres, with his two younger brothers, was entrusted to the tuition of Madame de Genlis, who conducted his education entirely upon the plan of Rousseau's *Emilius*, thus giving a hardihood to his body and a masculine freedom to his mind, which seldom fall to the lot of modern princes. Having completed his education, he joined the famous Jacobin Club in 1791, and during the same year entered into active service as colonel of a regiment in the army of the North. In that age of hard fighting and rapid promotions the Duc de Chartres did not languish for the want of employment or honors. Through a quick succession of engagements in the spring and summer of 1792 under Byron and Luckner he rose to the rank of lieu-

tenant general, and in September commanded the second line of Kellerman's army at the battle of Valmy. Soon afterwards he joined Dumouriez, and participated in the brilliant though brief career of that general, commanding his centre in the great battle of Jemappes, and being equally distinguished to the close of the campaign.

The family of Orleans becoming subject to the proscription of the National Convention, on account of the suspicions awakened by their family connexions, the Duc de Chartres fell into banishment, and unfolded a still brighter page in his character to the eyes of the people. Refusing the tempting offers of military rank made him by Austria, because he would not bear arms against his country, he nobly disciplined his spirit to a life of humble obscurity, and submitted manfully to the necessity of employing a part of his time in the duties of a village schoolmaster in the Grisons. — The fall of Robespierre somewhat bettered his condition; by enabling him to enter into correspondence with his friends, and he then passed several years in travelling about Europe; chiefly on foot. During his wanderings in the North of Europe, he was recognised, and again received the offer of military command, and again refused to bear arms against his country. Meanwhile he had become Duc d'Orleans by the

death of his father; his two brothers, the Duc de Montpensier and the Comte de Beaujolais, having continued to be held imprisoned in France. But in 1796 the Directory offered to liberate the two brothers, on condition they should all retire to America. — The Duc d'Orleans gladly accepted this condition, and immediately embarked for the United States, where he arrived in 1796, and was soon joined by his brothers. They remained in America several years, examining our country, and studying its institutions, and winning the esteem of our most distinguished citizens. In 1800 they went to England, and resided at Twickenham in honorable poverty, nobly refusing to be the dependent pensioners of a foreign Government at war with France, or to participate in the petty intrigues of the little court of Hartwell. In 1807 the Duc de Montpensier died of consumption,\* and the Comte de Beaujolais being threatened with the same disease, he and his brother repaired to the Mediterranean. At Malta, soon after landing, the Comte de Beaujolais died; and from this period until the Restoration the Duc d'Orleans resided in Sicily, where he married a daughter of the House of Naples. Previous to the Hundred Days, he held a high command in the army, under Louis XVIII.; but since the second Restoration he had been lying altogether in re-

\* The Duc de Montpensier was buried in Westminster Abbey, in Henry the Seventh's Chapel. At the exhibition of Somerset House in 1836, one of the most beautiful objects of sculpture was a monumental statue in marble of the Duc de Montpensier, executed by Westmacott (No. 1170,) a memorial of the continued regard of his surviving brother.



tiement, improving his estates and educating his family. How far this seclusion was forced upon him by the jealousies of the reigning family does not distinctly appear; but that it was owing to this, in part at least, is evident from his not having acted in the Chamber of Peers. There are two articles in the Charter touching this point, one of which is said to have been inserted by Louis XVIII. with special reference to the Duc d'Orleans and his family. One of these (Art. 30,) provides that 'The members of the royal family and the princes of the blood are Peers by right of their birth;' the other, (Art. 31) that 'The princes cannot take their seats in the Chamber but by order of the King, expressed for each session by a message, under pain of the nullity of everything which may have been done in their presence.'—While the admission of the Duc d'Orleans to the Chamber depended on the caprice of the Ministers, he could exercise influence in the State only as a private individual; and he seems purposely to have kept aloof from the contests of party, except so far as the conduct of himself and family was a continual expression of sympathy with the Revolution. The more exalted, it is true, of the liberal party complained that the desire of the Duc d'Orleans to prosecute certain territorial or pecuniary claims of his on the Government prevented his acting openly in the Opposition. The support he afforded to some liberal measures had given displeasure to Louis XVIII., and led to

his receiving an intimation from that King, that it would be judicious for him to abstain from all part in public affairs. Had he resisted, and thrown himself warmly and publicly into the ranks of the Opposition, he would have proved a dangerous enemy of the Government, by whomsoever it might be administered. But without his doing this, his entire life and his well known sentiments, spoke for the part he would take, when a proper occasion should arrive.

Undoubtedly the degrading domestic condition of the reigning family, as compared with that of the Duc d'Orleans, contributed to augment the kindly feeling, with which this liberal-minded and patriotic prince was viewed at the Tuileries. He was looked upon by the King and the Dauphin as a collateral heir, preparing to step into the heritage of their expiring line. The Dauphin and Dauphiness were old and childless; and saving the Duc d'Angoulême, only a boy of uncertain health kept from their hereditary throne the descendant of the ambitious and unscrupulous Regent, the son of the more ambitious and less scrupulous Egalité. While the fear of the contamination of liberal principles, added to the not less anxious fear of assassination, consigned the Duc de Bordeaux to the seclusion of private tutors amid the luxuries of royal life, the five sons of the Duc d'Orleans were gaining a manly education and gathering 'golden opinions' at the ordinary schools of Paris. His oldest son, especially, the Duc de Chartres,

was a noble promising youth, who collected upon himself those enthusiastic tributes of popular esteem, which seemed to belong to an heir of the crown rather than a mere prince of the blood.

Taking into consideration all the circumstances which we have thus developed, how could France fail to rest her hopes upon the Duc d'Orleans? A prince of the blood, his father had been an ardent promoter of the Revolution. He had worn the revolutionary tricolor, and combated under the tricolored banner with distinguished honor. He had constantly refused to fight against his country, though, like an emigrant band on the Rhine, he was an outlawed exile deprived of rank and wealth. He had passed the weary years of banishment in manly independence, earning his bread like a *roturier* when it was necessary, and exhibiting in his adversity the highest traits of moral courage, fortitude, and true dignity of spirit. Restored to his titles and estates, and in the enjoyment of the vast income of his family, he had lived among his fellow citizens fifteen years, beloved for his private virtues, honored for his past life, esteemed for the liberality and soundness of his principles, and looked to as the probable future stay of his country. What wonder, when the Revolution of the Three Days had raised an impassable barrier, had placed a gulf of blood between the King and the People, that all eyes should have been turned towards the Duc d'Or-

leans as the preordained Chief of the Nation?

While the contest raged in Paris, the Duc d'Orleans kept himself concealed at his country seat of Neuilly, situated a few miles out of the city. It is perfectly clear that he is free from any imputation of having fomented insurrection, or otherwise taken steps to bring about the contingency that had occurred. What private relations he may previously have had with the liberal party we know not; nor is the fact material to the present question. It is self-evident that neither he nor any body else but the King and his advisers are really to blame for the actual occurrence of the Revolution. It has been justly remarked that 'To have plotted effectually against Charles X. he must have conspired with his confessors to make him a bigot, with his Ministers to make him sign the fatal Ordinances, and with his troops to massacre his subjects with musketry and grape shot.' In fact, the Duc d'Orleans concealed himself from all but his family, until the battle of the Barriades had been fought, the Guards were driven from Paris, and the fortune of the reigning dynasty had become irretrievably desperate. Thursday night the Deputies determined to place the executive authority for the time being in his hands; and giving ear at last to their pressing entreaties, he returned to Paris on Friday, and committed himself past recall to the cause and the consequences of the Revolution.

Early on Friday a paper was circulated, printed at the office of the *National*, the leading journal of the victorious party. It was in these words :

‘ *Ordre Official.*

‘ *Vive la Patrie ! Vive la Liberté ! Vive la Charte ! Et à bas Charles Dix !*

‘ *Vive le Duc d’Orleans, notre Roi !*

Indeed, whatever might have been the wishes of individuals, many reflecting members of the republican party, who desired only the greatest good to the greatest number, were convinced that all the substantial advantages of a commonwealth would be attained by calling the Duc d’Orleans to the throne upon satisfactory conditions, which they had the full power to stipulate. It was understood that La Fayette and his colleagues of the Extreme Left were content, on receiving certain guarantees for the public liberties, to agree to his nomination. The views of the majority of the leading individuals in the Chamber were expressed in an article of the *National* of Friday, which may be regarded as an authorized citation of their sentiments :

‘ After fifteen years of odious and dishonorable rule, the House of Bourbon is for the second time excluded from the throne. The Chamber of Deputies has today pronounced this grand resolution, by calling the Duc d’Orleans to the Lieutenant Generalship of the Kingdom.

‘ This satisfaction was due to

the French People, who have endured, during fifteen years, a Government incapable, vexatious, prodigal, and injurious to the country.

‘ For fifteen years France has not been at liberty to pronounce with eulogium the glorious names of the men who delivered her in 1789. The Revolution was held to be an act for which the country was bound to repent, and to ask pardon. France was obliged to apologize for having wished to be free.

‘ The brave men of the old army were most compelled to find an excuse for their victories, or were forced to receive from foreign hands the confirmation of their glory.

‘ France was subject to the command of incapable degenerate princes, nowise in harmony with the spirit of the Nation.

‘ The throne was destined to pass from a feeble and obstinate father, destitute of any kind of knowledge, to a son without intelligence, and unacquainted with the interests he was to direct.

‘ The future was as gloomy for France as the present.

‘ Finally this deposed family shed seas of French blood for the cause of usurped power, — that comprehended in the Ordinances.

‘ But punishment was not long delayed. The Ordinances subversive of our rights appeared on Monday ; this day, Friday, the forfeiture is pronounced.

‘ The Chamber felt the necessity of establishing a Government in lieu of that just overthrown. We need a prompt, vigorous, and

active organization. Situated in the centre of Europe amid a number of rival powers, we require a firm and stable institution. The Republic, which has so many attractions for generous minds, succeeded ill with us thirty years ago. Exposed to the rivalry of the generals, it fell under the blows of the first man of genius, who tried to make himself its master. What we want is that Republic disguised under a monarchy by means of representative government. The Charter, always the Charter, with such modifications as reason and the public interest indicate.'

Similar observations were made in the *Globe*, from which we extract only the following passage:

'The Republic has but one fault, which is, that it seems not to be possible in France. Perhaps it may one day become possible, perhaps it is the definitive Government to which all nations are advancing; but its time has not yet come. The heroes of the last few days exclaimed *Vive la Charte!* What was meant by that cry, which inspired such noble conduct? May the Charter, developed and amended by victory, prove an equivalent for the Republic!—Supposing this point decided, the next question is, to whom shall the throne be given? The name of the Duc d'Orleans presents itself. The necessity of speedily establishing a Government is universally felt. The Duc d'Orleans is among us, and his situation is such that he may be the means of pacifying France, and saving

us from the hostility of the rest of Europe.'

The wish prevailing at Paris, therefore, was sufficiently manifest in favor of the Duc d'Orleans, with such constitutional stipulations as should secure the rights of the People. The only inquiry with him could be whether any deference was due on his part to the rights of the young Duc de Bordeaux. This, to be sure, is rather a question of transcendental morals; for rarely can men be found, who, in such a contingency, would thrust from themselves a proffered crown, out of tenderness for the conflicting pretensions of a distant kinsman. But there are two considerations, which are conclusive on this point.

The Nation had resolved to depose, and had deposed, not this or that individual, but a dynasty. It was the whole family of Artois of which they were determined to be rid once and forever. The battle of the Barricade had settled their fate just as decisively and definitively as the battle of Waterloo had done that of Napoleon. The Revolution was over, and the controversy disposed of, before the Duc d'Orleans was called upon to decide as to his own course. Now, in the first place, as a matter of expediency, the Duc d'Orleans could adopt no other alternative, because, had he sought to make any reservation in favor of young Henri, he would only have drawn down ruin on his own head. The Nation were at irreconcilable war with the whole House of Artois,

and nothing but the inoffensive life of the Duc de Bourbon Condé and the personal popularity of the Duc d'Orléans and his children saved them from partaking in the sentence of proscription, which had gone forth against the posterity of Robert of Bourbon. By assuming to protect the rights of the Duc de Bordeaux, the Duc d'Orléans would have rendered his own expulsion from France just as sure as that of the royal family. France would in that case inevitably have become a Republic, probably with La Fayette for President; for young Napoleon had no strong party among the intelligent classes, and setting aside the princes of the blood, what other human being could aspire to be King over France?

In the second place, as a matter of principle, when the Duc d'Orléans put on the tricolor, and clambered over the barricades to make his way to the Palais Royal, he gave up the whole reigning dynasty alike, in adopting the Revolution. Charles Tenth had attempted a great usurpation. He had made war on his subjects in support of the attempt, thus voluntarily submitting the question to the trial by battle, and had been vanquished, after making his own issue, choosing his own tribunal, and his own mode of trial. He had tried the *ultima ratio*, and spontaneously deprived himself of redress, by taking a decision at the point of the bayonet. Here, of course, was an end of his reign. The stake for which he played was absolute power; the forfeiture which he stood pledged to incur if he failed,

was dethronement and exile; and how could the destinies of the boy Henri be separated from those of his grandfather and uncle? In the contest of the Three Days the principle of the royal right of usurpation encountered the principle of the popular right of revolution, and the latter was victorious. It has been said, that victory is the visible sentence of the gods delivered on the field of battle, in favor of the party they protect; and who, — in a country with free institutions derived from the same source to wit, successful revolution, — will deny that in the battles of the Three Days the righteous cause prevailed? And supposing the Duc d'Orléans to take the same view of the subject, as all the acts and opinions of his life prescribe that he must have done, it was impossible for him to make any distinction in behalf of the Duc de Bordeaux, because a rising in his favor would have been an abandonment of the principle of the Revolution.

We hold, therefore, that the Duc d'Orléans acted a righteous no less than a wise part, in buckling on the honors, which the decrees of Providence, the infatuation of, the reigning family, and the spontaneous voice of the Nation, unitedly devolved upon him. It is affirmed that Charles X. and his advisers at Saint Cloud, anticipating that the Duc d'Orléans might become the rallying point of the revolutionists, had commanded a body of troops to arrest him at Nogilly, at the very time when the Deputies in Paris were preparing for his reception

there. If it were so, he fortunately escaped from the hands of his good cousin, to meet the wishes of the People. Early on the morning of Saturday, July 31st, he had an interview with a committee of the Deputies, and in the free conversation that ensued between them, as reported afterwards by Comte Sébastiani, he expressed his love of order and the laws, an ardent desire to spare France the scourge of civil and foreign war, the firm purpose of securing the liberty of his country, and his wish to make the Charter, which had been so long a delusion, a reality at last. — These feelings and purposes were embodied by the Duc d'Orléans in a Proclamation, which he issued at noon the same day, in the following words :

‘INHABITANTS OF PARIS : The Deputies of France, at this moment assembled in Paris, have signified to me their desire that I should repair to this capital to exercise the functions of Lieutenant General of the Kingdom.

‘I have not hesitated to come and share your dangers, to place myself in the midst of your heroic population, and to exert all my efforts to preserve you from the calamities of civil war and of anarchy.

‘On returning to the city of Paris, I wore with pride those glorious colors which you have resumed and which I myself long wore.

‘The Chambers are about to assemble : they will consider of the means of securing the reign

of law, and the maintenance of the rights of the Nation.

‘The Charter will henceforth be a truth.

‘LOUIS PHILIPPE D'ORLEANS.’

It is not remarkable, that in the agitated and excited state of the population of Paris, this proclamation should have produced a great and a varied sensation, among those, who were not in the secret of the political movements of the Deputies. A large portion of the citizens, excited by the triumph they had achieved, and filled with just indignation, were distrustful of the whole House of Bourbon. When the proclamation appeared, it was objected to for a reason which may now seem slight, but which derived consequence from the unsettled state of public affairs. The victorious People, little considerate of the etiquette belonging to the forms of such a document, demanded why it was not countersigned by the Municipal Commission, or by La Fayette, as a sort of *apprimatur*, a certificate of genuineness, an indorsement of its true derivation from those trusted patriots, in whom the soldiers of the Barricades reposed confidence.

The Deputies assembled at M. L...’s at one o’clock to receive the report of the Committee, which had conferred with the Duc d’Orléans, and to take measures for officially making known to the People what they had done. The Duc d’Orléans had been called to the post of Lieutenant General : this his own

proclamation made known. But by whom was he called, for what purpose, and under what conditions? All this it was important the People should satisfactorily understand; for the Deputies had no legal authority, as a constituent portion of the State, to do any act whatever. It was only as individuals, having personal claim to the popular confidence, that the Deputies could expect obedience to their acts; and it was only by the pressing exigency of the existing *interregnum* that they were justified in assuming to create a provisional Government. On the third of August they would be a Chamber, and would have constitutional authority as such; but now they could interpose only as an informal assembly of the most respected individuals in France. Conscious of these facts, they began by taking steps to win the approbation of the People to the revolutionary power of the Duc d'Orleans; — of that People, who, with arms in their hands, were the admitted depositaries of the supreme authority of the Nation, and who seemed rather disposed to follow the political guidance of their own Commission at the Hotel de Ville, than to look to the Palais Royal or to the Deputies for advice or direction.

The Deputies speedily agreed upon a proclamation to be addressed to the People in their behalf, declaratory of the views they entertained in making the Duc d'Orleans Lieutenant General. France, they say, is free. Despotism raised its standard, but the heroic population of Paris

had overthrown it, and what France now needed was a Government, which might be able to secure to the country the advantages it had acquired. With this purpose they had invited the Duc d'Orleans to assume the executive functions for a time, as the only sure means of peacefully accomplishing the work of the Revolution. They added, that the Lieutenant General would respect the rights of the People, because from it he would derive his own; and that, while entrusting him with power, they should make assurance of the strength and durability of their freedom by the most satisfactory guarantees. These guarantees were the re-establishment of the National Guard, the officers elective, the intervention of the citizens in the formation of the municipal and departmental administration; by jury in affairs of the Press; a thoroughly organized responsibility of the public servants; the situation of the military legally secured; and the re-election of Deputies appointed to offices in the administration of Government.

It was then concluded that, to calm the popular effervescence, the Deputies should repair in a body to the Palais Royal, and personally communicate with the Lieutenant General and with the citizens. The Deputies accordingly hastened thither, headed by M. Lafitte, their temporary President, who read the proclamation to the Duke in the presence of his colleagues. How far the Duke may have been sincere in the cordial assent he gave to the

principles of the proclamation, we know not ; but certain it is that he expressed, in his language and manner, the warmest approbation of the views of the Deputies, and especially of the several guarantees, which they stipulated for the rights of the Nation, and the maintenance and development of its liberties. His words, his gestures, and his physiognomy, says one of the contemporary accounts of the scene, contended in expressing satisfaction and pride in being associated with them in the regeneration of constitutional order. At the very time when the Deputies arrived, the Duc d'Orleans was preparing to go to the Hotel de Ville alone, on horseback, in order to present himself before the National Guards. It was immediately proposed and agreed that the Deputies should accompany him, in a body, to the head-quarters of liberty and popular right ; and the importance of the interview there had between the Duc d'Orleans and the party of the Revolution represented by La Fayette and the Municipal Commission, renders it worthy of detailed notice.

Out of the fermentation of public feeling consequent on the splendid victory of the Three Days, many parties had of course arisen, each desiring the establishment of a system of government conformable to their respective opinions. The names of Napoleon and of the Republic resounded in the public ear, from those brave men of the faubourgs, who had gained the victory, from those high spirited youths, who had led on the soldiers of the

Barricades. The boldest democratic doctrines were loudly discussed, and propagated by hand-bills placarded at every corner. The first idea, the idea that would naturally occur to the victors, was to ascertain the national will by taking the suffrages of the whole people of France, in the manner designated by the Constituent Assembly. Men, who entertained such views, could not but look disapprovingly on the proceedings of the Deputies, in undertaking to confer the functions of Lieutenant General on the Duc d'Orleans with the intent of subsequently elevating him to the throne. These men contended that the provisional Commission of Government, which derived its authority immediately from insurrection and the victory of the Barricades, was bound to continue in the exercise of the power thus conferred by circumstances, until the future destinies of the country had been submitted to the voice of the People. They went further, and affirmed that France did not want, nor would it have, a King, but republican institutions similar to those of the United States. And they contended that, at any rate, if the Duc d'Orleans was to be called upon to reign, it should be after adopting a new constitution, and submitting to the people the question of his election.

On the other hand, it was contended by the great majority of the liberal Deputies, then in the very zenith of their popularity as the persevering and at length successful defenders of the Charter, supported by the great body of persons who felt anxious for the



restoration of public tranquillity, that it was of urgent necessity to organize the Government permanently with all possible despatch. They urged that nothing was more certain to awaken divisions and propagate discord among the members of the victorious party, than to attempt the reestablishment of republican forms, which had so often been tried in vain in France. They represented that the sudden proclamation of the Republic would spread alarm in the departments, and serve as a pretext for malecontents to stir up intestine war. And was there not just cause to apprehend that the reestablishment of the Republic in France would provoke another coalition war against her, on the part of those jealous propagandists of despotism, the crowned heads of Europe? If a war against France should be kindled by her enemies, they would be glad of such a pretext for invading her territory, and would compel her to sustain immense sacrifices before she could expect to triumph over their combined hostility. Considering all these things, considering, as La Fayette himself has expressed it, the impressions left in France by past vicissitudes, the nature of existing circumstances immediately surrounding them, and the actual situation of the country, it appeared to the great mass of those individuals who gave direction to public opinion, that the choice of the Duc d'Orleans, the establishment of a new dynasty with an amended Constitution, promised better for the order, welfare, and liberties of the coun-

try, than the Republic. Still, new conditions were indispensably necessary to be incorporated in the organization of the reconstructed Monarchy;—and the settlement of these conditions constitutes what has been termed the *programme* of the Hotel de Ville, of which so much has since been said. And the tenor of this *play-bill*, this rehearsal of the Constitutional drama to be enacted, has been since distinctly explained by the organ of the republican party, La Fayette himself.

The Deputies and the Duc d'Orleans made their way slowly and laboriously through the streets, which were crowded and blocked up with troops, in a scorching heat, and amidst a shower of stones and bullets. They were received here by La Fayette, as Commander of the National Guard, and as the representative of the 'men of the Barricades,' a cortege of the young heroes of the Polytechnic School standing around him in the *salle d'armes* or great hall of the Hotel. In the course of the interview, La Fayette conceived that the authority and popular confidence, with which he was invested, gave him the right, and made it his duty, to explain himself frankly in the name of the People, to the candidate for the throne. 'You know,' said La Fayette, 'that I am a Republican,' and that I regard the Constitution of the United States as the most perfect in existence.' 'I think with you,' said the Duc d'Orleans; 'it is impossible to have passed two years in America, and not to be of this belief; but do

you deem it expedient to adopt it, in the actual situation of France and state of general opinion?" — "No," replied La Fayette; "what the French Nation wants at this moment is a popular Monarchy, surrounded by republican, purely republican, institutions." "It is exactly as I understand it," answered the Prince. This mutual engagement, which, says La Fayette, may be appreciated at its value, but which he hastened to make public as embodying the conditions of the new social compact, — the effect of uniting together those who did not wish for a King at all, and those who wished for another but a Bourbon. — La Fayette, from the Duc d'Orléans then, stood at a window looking out upon the assembled multitude in the square below, — the People of France as it were, proper person, they waved from the window a tricolored flag as the symbol of liberty and concord, amid the acclamations and applause of the congregated men of the Barricades.

Imagination can hardly picture to itself a more sublime and splendid spectacle than that of this venerable Apostle of Liberty, the good and great La Fayette, treading under foot all aspirations after power in his own person, regardless of the tempting glory of becoming President of a French Republic created by himself, bidding farewell to his party predilections, to the enthusiastic visions of his country's liberty, perhaps, which had cheered him on through his chequered career in the battle fields of America, in

the spirit stirring scenes of the first Revolution, in the dungeons of Olmutz, in the untrusted seclusion fixed on him by the Empire for whose honors he was too pure, in the disheartening struggles against foreign power and ministerial duplicity which followed the Revolution, — sacrificing everything, and the cherished principles of his long life, from the unwilling conviction that it was demanded for the peace and tranquillity of France. Nor was the occasion, the manner in which the surrender was made, less remarkable than the sacrifice itself. La Fayette stood not in the attitude of a fortunate soldier, using the authority of military power to control the current of the public deliberations, and throwing his sword into the lighter scale as the balance of reason oscillated before his eyes. He did not occupy the position of a popular demagogue, a Roman Gracchus, or a Flemish Von Artaveldt, pursuing purposes so mixed in their nature, that whether private ambition or public interest predominated it is hard to say, and giving the potent energies of a restless democracy a direction toward upon the very heart and veins of their own motherland. He appeared there, in the ancient theatre of the *conventions* of Paris, amid scenes hallowed by the triumphs and saddened by the abuses of freedom, himself the embodied personification of the liberal and republican opinions of France, the representative of a great principle not of a party of men, making sacred stipulations in behalf of that principle, as the condition of suffering the

liberties of his country to pass under the guardianship of an hereditary prince.

In consequence of the proceedings at the Hotel de Ville, all opposition to the authority of the Lieutenant General ceased. The functions of the National Commission of education came to a close at the same time, and Commissioners were designated in all provisionally the several departments of Government. General Gérard was appointed to the department of War, M. Dupont de Nemours to that of Justice, M. Guizot to the Interior, Baron Louis to that of Finance, and M. de Reinhard to that of Foreign Affairs. The Duc d'Orleans assumed the executive authority, and Lafayette resigned the command of the National Guard, but was prevailed on to accept it again, in order that the new Government might enjoy the sanction of his venerated name. The first measure of the Lieutenant General had been to issue an ordinance containing the single provision:—“The French Nation resumes its colors.” The other cockade was the cockade of the emperor, and it was worth than the cockade of the cockade; thus ratifying the independence of the emperor, and the part of the cockade of the time against the ordinance for the regular exercise of the two Chambers of the Empire. In August, the day of the King. Some measures were taken with the spirit of the times, of which the most remarkable was an ordinance repealing the numerous condemnations its police

offences of the Press, discharging from arrest all persons confined for such offences, remitting their fines and costs, and quashing all pending prosecutions.

Meanwhile the ordinary course of private affairs in the city began to be resumed. On Saturday the clerks of the Post Office had returned to their duty, and letters were again received and delivered as usual. Some embarrassments arose in regard to commercial engagements, the discharge of which had been of necessity prevented or suspended during the late political commotion. The Municipal Commission resolved to permit the delivery by grocers and bakers of their bills on a future day payable in Paris, and to suspend between the 20th of July and the 15th of August the execution of the law which the Tribunal of Commerce issued a decree ratifying the extension of payments, assigning for reason that all commercial transactions having been forcibly suspended, and communications interrupted, the regular payment of bills during the period had been rendered wholly impracticable. On Saturday, also, the Bank of France reopened, and most of the private bankers resumed the transaction of business in the ordinary way. The bankers, moreover, were thrown open this day, so as to allow the holders to deposit as they had done before the revolution.

It is not to be inferred from this that Paris exhibited a peaceful aspect, during these the few days immediately succeeding the contest. Apprehension of possi-

ble surprise prevented the removal of the barricades, so that an invading foe would have found the streets unpared, the houses embarrased, and obstructions of every conceivable kind thrown up in the great thoroughfares. As a measure of salubrity, the inhabitant ascended gutters in the streets, to carry off the stagnant water without endangering the barricades. The principal avenues were continually crowded with persons going about from curiosity, or in small assemblages of armed men, in every variety of dress, equipment, and weapons. During the absence of the king, the king's light guard, who were stationed at the important points, and the army of the republic, which General Dumas had ordered to assemble, were, as their service was their justification in the defence of the barricades. The Prince of the Asturias was purposely left in charge of the brave men, who had sworn the Royal Constitution, sworn on Thursday, and were witnesses of the fall at the point of the bayonet, of the royal army, and the irregular army, who took the place of the regular soldiers, who were in the city, and in the vicinity. And all these restrictions, and all these assurances, all the assurance of the environs thronging the city, the power of the king, the chief of the army, the absolute respect of the property was expected, and the entire army, and the

license, which naturally offer themselves at such a price.

The Government sent forth, however, in the name of regular military force, for the defence of the public liberty, a small, but ever aggressive, twenty regiments of militia, the Guard were organized in a day, the lists being filled up with rapidity, which placed the hands of the most able and determined would not be wanting to sustain the Government, either against popular outbreaks, or against the determined family and their partisans. In fact, soldiers of all descriptions continued to join the patriot ranks, many of them veterans of the old army, who were treated with peculiar respect on all hands. An occasion speedily occurred, as we shall presently see, for testing the spirit and resolution of the citizens.

Our narrative of the events of the Revolution has been confined thus far to Paris. There in fact the contest, in a military point of view, began and ended. But it is not so in a political one. By the late elections, made in the departmental assemblies, the members of the National Assembly were elected by a vote of the people, and the National Assembly was thus the expression of the popular will in Paris. In the other departments, especially in the provinces, the popular will was not put into open expression. It was known, nevertheless, and was taken at the moment of the Revolution the same at Lyons. The French towns around Paris, it is true, did not anticipate the storm that city were

not backward in following it up. It was not Paris, which produced the Revolution. The whole Nation was animated by but one sentiment, which produced a unanimity of action, as decided and marked as if it had been the result of caprice. Although it is perfectly certain that the publication of the *Conspiraunce* was wholly unexpected, and therefore could not have been prepared for in such a way as to produce the universal movement of resistance, which actually took place.

Troops had been ordered to Paris from the camp at Saint Omer. They advanced as far as Poix, a village two or three miles march from Paris, where they halted, and on receiving orders to that effect from General Gouvion in the name of the provincial government, they marched back to Saint Omer under new colors, the soldiers having of their own motion procured tricolored cockades from Paris by the diligences. A division stationed at Verdun under General Bordesoulle had commenced its march towards Paris in support of General Marmont, but turned back on learning the extension of Paris, intending to return to its old quarters. The National Guard of Versailles, and even under arms, threatened to exclude the troops; but, after some negotiation between the two parties, the Government amicably undertook to send the soldiers enter Versailles, and the *Parisians* were not. In the event of Thursday had limited the Kingdom of Charles Tenth to the *Château* of the

Cloud, and the great avenues around it, which the defeated soldiers of the Guard continued to occupy.

When the Duc de Raguse returned to Saint Cloud, nothing could exceed the consternation which his appearance there, followed by the flying troops, produced in the royal conspirators assembled at the Château. Such was the excess of their infatuation, that they had not dreamed of the possibility of an untoward event, and the intelligence of defeat and rout came upon them with a stunning suddenness of a thunder-bolt. The next morning Daulin was killed, and the Duc de Raguse, coming out in the most insulting manner towards Marmont, threatened to march upon Paris, and to send his army to Versailles. He then sent a messenger to the Duc de Raguse, offering to treat with the insurgents, and to send back the troops to Versailles, with the offer of accommodation was too late, and that Charles had nothing to expect from the *insurgents* of his late subjects. The *insurgents* were too powerful, and must continue the appeal to arms. But it was conclusively shown by the declaration and conduct of the troops, that they had no intention to protect the *insurgents*. They were fatigued with their exertions, and disheartened by the conviction that they were on the wrong side.

We may imagine, better than we can describe, the agony of disappointment, chagrin, and self-reproach, which at this hour must have borne down the royal family, and such of the partisans of *coups d'état* as still clung to the fallen monarch.

Notwithstanding the desperate state of things at Saint Cloud, an effort was made on Friday to place the Château in a state of defence. Battalions of the Guard were posted along the roads leading to Saint Cloud from Paris and Versailles. Addresses to the soldiers from the revolutionary government were largely distributed, inviting them to abandon the King. These measures were, however, rendered abortive by the desertion of the whole regimenter of the line, of arms and baggage, to St. Denis. A great number of honest men, however, remained at Saint Cloud, and were of great assistance in the royal cause, and subjected to many privations, which the King wanted disposition or power to relieve. Indeed, Charles, instead of having the means of maintaining their fidelity, now began to be seriously alarmed for his own safety, as reports reached him of the victorious advance of the republicans for attacking him at Saint Cloud. At three o'clock on the evening of Saturday, the royal family, with the Ministers and other persons who remained faithful to the Court, left Saint Cloud, and sought refuge in the house of a man who resolved to protect them against the citizens, determined at the same time not to take in any hostilities of their own accord.

The King halted at Versailles, taking up his quarters in the Trianon, a small royal residence in the Park of Versailles, where the royal family and the Ministers met for the last time. From Versailles he continued onward to Rambouillet, a village ten leagues from Paris, where there is a hunting-chateau belonging to the crown. Here a camp was formed with the ostensible purpose of making a stand. But on Sunday the 1st of August information was brought to the Court of the proceedings of the day before in regard to the Duc d'Orleans; and that next day Charles and the Dauphin addressed a communication to the Lieutenant General, renouncing their rights in favor of the Duc de Bordeaux, and charging the Duc d'Orleans to cause the accession of Henry V. to be proclaimed. Meanwhile the jewels of the crown had been withdrawn from their place of deposit in Paris early in the last week, and were now under the control of the republicans. To the act of abdication no other answer was given but to despatch a Commission, consisting of Marshal Maison, M. de Schomberg, and M. Odillon Barrot, to demand the regalia and require the royal family to hasten their departure from the kingdom. The King refused to receive the Commission, and instead of promising himself to comply with its intimations, caused the Council to be sounded as to their willingness to retire to La Vendée and repeat the struggle of the former Revolution. But neither the officers nor the soldiers would listen to any such scheme. The

day, ~~of~~ uncalculating frantic royalism had long since passed away. The Guards were Frenchmen in spirit as in fact; and selected, as they had been, for their fidelity to the House of Bourbon, still they were too wise, and too fond of their country, to engage to embark in a desperate and unavailing contention in behalf of a prostrate dynasty, who had proved themselves incapable of reigning, and whose fatal incompetency was alike ruinous to their friends and themselves. Instead of manifesting any readiness to sustain a civil war, the Guards resolved, in the words of M. de Bérmonville, 'to place themselves between the royal family and any portion of their subjects who might be excited to attack them, pending the negotiations which were to decide the fate of France.'

The Committee lost no time in reporting to the Government at Paris that Charles refused to accept of their sole conduct for his retirement from the country, insisting that he had abdicated only in favor of the Duc de Bordeaux, and that he should remain at Rambouillet, and defend himself there, until he received a satisfactory answer from the Lieutenant General. The announcement of this resolution brought matters to a crisis at once. It was impossible to suffer an armed force, which withheld obedience from the new Government, to remain within a day's march of the capital; and equally impossible to restrain the public irritation excited by the obstinacy of the King. There was imminent danger that the inflamed populace would,

of their own accord, rise in a mass and proceed to attack the royal camp and family; in which case, if left to themselves, they might commit some deplorable excess, which would dishonor the cause of the Revolution.

The citizens were already ringing the tocsin, and arming themselves without waiting for orders. To prevent the possible consequences, the Government lost no time in arranging an expedition under the command of responsible officers, who might control, as well as direct, the popular movement. The National Guard

were summoned to their posts, and it was announced to them that they were assumed by the King to be his sole army, and that he should be compelled to accept or surrender, and that to this respect the Government could owe nothing. The citizens, however, attended to the camp, and the army, and the announcement was received with the greatest enthusiasm. Thousands volunteered in the course of a few hours, and were despatched in omnibuses, hackney coaches, cabriolets, diligences, carriages, carts, — in short, in every species of carriage, which Paris afforded. In addition to six thousand troops of the National Guard, were thousands of the half-armed but resolute and excited men of the Barricades, who poured out of Paris in a voluntary force, and if they had come in conflict with the royal family would have been as dangerous and as formidable as the volunteer militia of October, 1789, and the command of the expedition was given to General Pajol, having under him General

Excelmans, Colonel Jacqueminot, and M. Georges La Fayette.

Meanwhile the Commissioners hurried on to Rambouillet once more, in advance of the army, for the purpose of making a last effort to persuade the King to listen to reason. They represented to him the extreme hazard he would run by an encounter with the mighty host of unscrupulous men, who were on the way to Rambouillet. As had all along happened with Charles, he yielded to selfish considerations of personal safety, where he had been regardless of the blood of his People, and consented to dismiss all intention of resistance and accept the safe conduct of the Commissioners. In such was the consternation of the King, that his Court broke up in great confusion at ten o'clock in the evening of August 24, and set off without waiting for the appearance of the good people of the faubourgs of Paris. The armed citizens had ere this arrived at a village in the neighborhood of Rambouillet, where they bivouacked for the night. On learning the departure of the King the next morning, they seized on the coaches belonging to the Court, and whatever other vehicles they could find, and returned to Paris on the 4th, forming a vast procession of soldiers and citizens, who entered the city shouting the Marseilles Hymn, and firing their guns into the air in triumph.

The King had selected Great Britain as a place of refuge. It was arranged between him and the Commissioners that he should restore the crown jewels, and be

furnished with the sum of four millions of francs in money for his private use. He desired to quit France by the way of Cherbourg, and thither accordingly the Commissioners directed their course. At Dreux, where they halted after leaving Rambouillet, the King dismissed all the troops except the body-guard, which continued with him as far as Cherbourg. The Ministers, aware of the danger they incurred of being brought to trial for their crimes, had fled secretly and in disguise, in different directions, before the King submitted. The royal family, moved along slowly through Normandy, deserted by the perfidious counsellors and courtiers, who had contributed by their advice, to the destitution and humiliation, which now pressed upon the head of the Bourbons. They were protected from public insult and injury less by the feeble guards which surrounded them, than by the tricolored scarfs of the Commissioners, and the universal sympathy entertained for fallen greatness;—for everywhere they found the national flag flying on the towers, and the inhabitants in arms for the Charter.

The exiles embarked at Cherbourg in an American ship, engaged at Havre for that purpose, and landed in England the 17th of August. They were received there with but little show of respect; for how indeed could any respect be felt for such men as Charles or Louis Antoine? The compassionate hospitality due to their rank and their situation was of course extended towards them, and nothing more. The King



repaired to Lulworth in Dorsetshire, the seat of an ancient English Catholic family, where he remained until the old apartments at Holyrood House, in Edinburgh, which he had occupied previous to the Restoration, were again prepared for his reception. In that ancient Palace a retreat of congenial recollections for the relics of a royal House, which had rivalled the Stuarts, in the infatuation of its folly, Charles and his son had leisure for the life of peace and seclusion, which alone became their present condition.

In thus tracing the responsible members of this unhappy family from power to privacy, from the splendors of the Tuileries and Saint Cloud to the humble retirement of Holyrood, we have hitherto omitted to speak of those companions of their exile, who participated in a tenfold degree in the calamities and sorrows of their House, whilst wholly free of its guilt. We allude to the daughter of Marie Antoinette, and the widow of the Duc de Berri, who suffered because others had sinned. The language of condemnation and reproach, which we have so frequently had occasion to apply to the male members of the royal family, belongs not to them. Neither the King nor the Dauphin is deserving of much pity, and they are entitled to no respect. The Duchess d'Angoulême has a claim to both respect and pity; and so also has the Duchesse de Berri, and will continue to have, unless she forfeits it by a succession of indiscreet attempts in favor of her son.

The Comte d'Artois was bred in the profligate Court of Louis XV., and passed a youth of dissipation and idleness, until the Revolution came to arrest his disorderly career, and teach him that princes were amenable to the tribunal of public opinion and public justice. He emigrated at an early period, and hovered about the frontiers of France, joining in the poor schemes of invasion of his family circle, until the success of Bonaparte drove them from the Continent to seek an asylum in England. At the age of sixty-eight he succeeded Louis XVIII., whose dying advice to his successor was to 'govern legally.' For a time Charles X. seemed disposed to abide by the death-bed injunction of his brother, not to govern in the sense of the Charter. But he was weak, vain, headstrong, unable to appreciate the exigencies of his position — and fell into the hands of unworthy counsellors, who had never forgiven the Revolution, and longed for the return of absolutism.

Had the Dauphin possessed the energy of character demanded by his relation to the country and the situation of his family, he might have retarded the fall of the Bourbons; but unfortunately for them all, however good a hunter, he was a weak man and an incapable ruler. Louis XVIII. sought to acquire for him some of that military renown, which the French so much admire in their princes, by giving him the nominal command of the Spanish expedition. The inglorious events of this war against the Cortes have been

sculptured on the arch of the Carrousel, in place of the great victories of the year 1805, which the Allies removed when they occupied Paris. But the title of Duque del Trocadéro is all that the Dauphin can fairly claim as his own share of the honors of the campaign, and he has since reposed on his laurels, — until he wounded himself in the very brave and highly meritorious act of disarming Marshal Marmont on the last of the Three Days. He appears to have entered cordially into the mad projects of Polignac, and divides with his father the loss and the shame of unsuccessful usurpation.

Not so the Duchesse d'Angoulême, whom Napoleon, with his accustomed discrimination, has termed the only man among the Bourbons. The daughter of a long line of Kings, she has seen her father and mother perish on the scaffold, her brother clandestinely done to death by ignoble hands and ignoble means, her husband's brother assassinated in the streets, her family pensioned, exiles and outcasts, and now a third time driven from the throne of France with ignominy. With her poor woman's wit, of which her uncle and husband seem to have thought so meanly, Cassandra like, she foresaw the effect of the insatiable measures they had in train, but vainly uttered her oracles of warning and menace to deter them from rushing upon destruction. With a frame macerated by religious severities, and views fixed upon a happier future,

it is for her family more than for herself, that she laments the reverses, which have befallen her House.

The Duchesse de Berri possesses a temper naturally gay, light, and amiable, designed, in short, for enjoyment and popularity, — and which, notwithstanding the untimely death of her husband, and the change in her prospects which that event occasioned, would have assured her the possession of comparative happiness as mother of the young heir to France. Her hopes are once more dashed to the ground, by a series of desperate measures, against which she, as well as the Dauphiness, protested. Being a daughter of the late King of the Two Sicilies, of whom the present Queen of France is a sister, she is doomed to see her aunt occupy the throne, which in better times she looked forward to as probably to become one day her own. She also is rendered an exile by no fault of hers; and considering the advanced age of Charles and the Dauphin, their misfortune affects her and her son more seriously than it does the older members of the family. That son, the last remaining scion of his race, — for the posterity of Philip V. are aliens to France by the most sacred oaths and treaties, — leaves the land of his fathers to become the centre and watchword of political intrigues, and to renew in his own person, perhaps, the romantic fortunes of Charles Edward of England.

## CHAPTER XVIII.

### FRANCE, CONCLUDED.

*Proceedings of the Chambers. — The new Charter. — Duc d'Orleans King. — Settlement of the Government. — Conclusion.*

WE arrive, at length, at the catastrophe of the Revolution, at the fifth act of the political drama, which opened with the appointment of M. de Polignac to office for the purpose of overthrowing the Charter, and terminates with the elevation of the Duc d'Orleans to the throne. This was a result for which all Paris was now prepared, and less doubt was entertained as to the result itself, than as to the best means of reaching it. The republicans continued to dispute the authority of the Chambers to reorganize the institutions, which the victory of the Three Days had laid prostrate. They maintained that the Charter had entirely lost its vitality; that the Chamber of Deputies elected under it, ceased on the 30th of July to be a constitutional element of the State; that of course it had no right to proceed in the performance of ordinary business, and still less any right to remodel the Charter itself; and that, when it assembled, it should do nothing more than simply to provide con-

venient and regular means of ascertaining the will of the People on the great question, which now came up for decision. Whatever objections had existed to the substitution of a Lieutenant General in place of the provisional Commission of Government, applied with added authority to finally and permanently settling the public affairs through the agency of the Chambers alone. Particular difficulties presented themselves in great force. How could the Chamber of Deputies dispose of the Chamber of Peers, the existence of which the public voice declared to be contrary to the wishes of regenerated France? It seemed to the numerous party, who maintained these opinions, a fit occasion for proclaiming a return to the true republican principle, the sovereignty of the People, and the establishment of a Government by their immediate intervention.

This end might be accomplished by an act of the Chamber reviving the Constitution of 1815, which they contended was prof-

erable to the Charter of Louis XVIII. ; and in that case the question whether the Duc d'Orleans should be Emperor could be submitted to the suffrages of the Nation. Or the Chamber might provide for the convocation of a Constituent Assembly, a Convention of the whole Kingdom, for the purpose of enacting a new fundamental law in place of the Charter. But the considerations hinted at in the last chapter, which induced the liberal party to accede to the bestowment of power on the Duc d'Orleans, prevailed on the majority of those men of influence, who possessed the means of directing public affairs, to determine that the present Chamber should proceed to the complete settlement of the Government upon a stable basis. The same considerations led the Chamber, when it had once resolved upon settling the Government, to proceed with a degree of precipitancy, which left no room for the operation of adverse schemes, and hardly afforded time for due reflection and deliberation on the part of the Deputies themselves. In doing so, they avoided, perhaps, present disorders, but sowed the seeds of future contentions at least, if not revolutions.

The opening of the Chambers was celebrated at the stated time and in the usual place, with all the forms of a royal sitting, so far as they were applicable to the new state of things. It was justly regarded by all parties as a crisis of peculiar difficulty and importance. About half the Deputies elect assembled, including some

few members of the Right, who, knowing that their persons were perfectly safe, had independence and patriotism enough to take part in the deliberations of the Chamber. A portion of the Peers also attended. In obedience to the republican spirit of the times, the Deputies appeared in the ordinary dress of citizens, instead of the official costume, which they had been accustomed to wear before the Three Days. In consequence, also of a positive regulation, the Peers and Deputies were treated with equal respect.

The Duc d'Orleans, as Lieutenant General of the Kingdom, opened the sitting with a speech fully in accordance with the principles of the Revolution. It was a plain, direct, manly address, worthy of the speaker and the occasion. He spoke of the struggle of the Three Days, of the heroism of the people of Paris, of the consequent dissolution of the pre-existing social system, and of the necessities of public order, which had placed him in authority. He alluded to the misfortunes of the royal family with delicacy and propriety. While holding up to the rest of Europe a desire of peace as well as liberty, as the animating spirit of France, he gave assurance that respect for the rights of all, and consequent public stability, would enable the new Government to maintain itself unharmed under all the hazards of a forcible change of dynasty. That portion of it, which spoke of his own personal views and feelings, was peculiarly judicious and satisfactory. 'I hastened,' he says, 'to the midst of this valiant People,

followed by my family, and wearing those colors, which, for the second time, have marked among us the triumph of liberty. I have come, firmly resolved to devote myself to all that circumstances should require of me in the situation where in they have placed me, to establish the empire of the laws, to save liberty which was threatened, and to render impossible the return of evils so great, by securing forever the power of the Charter, whose name, invoked during the combat, was also appealed to after the victory. In the accomplishment of this noble task it is for the Chambers to guide me. All rights must be solemnly guaranteed, all the institutions necessary to their full and free exercise must receive the development of which they have need. *Attached by inclination and conviction to the principles of a free government, I accept beforehand all the consequences of it.* These professions of cordial participation in the feelings of the People, whether wholly sincere or not, were such as the occasion demanded, and served to augment the popularity of the Lieutenant General.

He concluded by announcing the abdication of Charles and the renunciation of the Dauphin, which he had received late the night before from Rambouillet. He did not state that any reservation had been made in favor of the Duc de Bordeaux; nor was it necessary; for the abdication itself was a mere deference to necessity, which the condition annexed to it neither strengthened nor diminished. Indeed it would have been quite as consonant to

the wishes of the victorious party, if they had been left to declare the throne forfeited for high crimes, without being anticipated in regard to it by the King.

Nothing was done at this sitting; but the next day the Chambers met, and M. Labbey de Pompières having taken the chair as senior member, they proceeded to verify the credentials of the several Deputies present, and as usual chose five persons to be presented to the Lieutenant General, out of whom he, as successor to the rights of the King, should select for them a President. They were MM. Casimir Perrier, Jacques Lafitte, Benjamin Delessert, Dupin, and Royer Collard; and the selection fell upon M. Casimir Perrier. Baron Pasquier was appointed President of the Chamber of Peers. Other business of form occupied the Chambers until the fourth day of the session, August 6th, when the important proceedings for amending the Charter and transferring the Crown were commenced, and continued during the succeeding day, on which these important changes were finally completed, and the Duc d'Orleans became King of the French.

The proposition for these modifications of the Government was made by M. Bérard, a Deputy very generally respected, who had efficiently formulated the recent movements. It consisted of a series of Resolutions, first, declaring the throne of France vacant by reason of the events of July; secondly, proposing certain suppressions, alterations and additions in the text of the Charter;

thirdly, stipulating that certain laws shall be enacted with the least possible delay; and lastly, setting forth that on condition of his accepting these conditions and propositions, 'the Chamber of Deputies declares that the universal and urgent interest of the French Nation calls to the throne His Royal Highness Louis Philippe d'Orleans, Duc d'Orleans, Lieut. General of the Kingdom, and his descendants forever in the male line by order of primogeniture, with the perpetual exclusion of females and their descendants,' by the title of King of the French. As, next to the change of dynasty, these conditions and propositions, or guarantees as they are often called, comprise the constitutional advantages secured by the Revolution, they will justify a particular examination.

The discussion of the Resolutions was perfectly free, inasmuch that several royalist Deputies very firmly and fully expressed their attachment to the family of Charles X., although none of them went so far as to defend the Ordinances, and several of them spoke with sorrow and indignation of the pernicious councils, by which the King had been misled. Nothing is more singular, however, in the proceedings of these two days, than the extreme brevity of the debates, the absence of any elaborate speeches for effect, and the business like manner in which the proposed measures were discussed and settled. MM. Bérard, Villemain, Dupin, Eusébe Salverte, Mauguin, La Fayette, Hyde de Neuville, de Martignac, and de Conny

were the prominent speakers in the debate, in which also MM. Benjamin Constant, Alexandre de Laborde, Demareay, Augustin Perrier, and de Brigode, among others, took more or less part. In regard to the form of the debate, we need only say that, except some conversation as to an address in reply to the speech of the Lieutenant General, which ended in a decision that the proposition of M. Bérard should take the place of an address, — excepting this, the debate turned upon the merits of the questions presented in the several Resolutions.

The speech of M. Bérard, which introduced the whole subject to the consideration of the Chamber, was the only general statement of the views of the Orleans party; and for that reason more than for its intrinsic merits, we introduce it in this place.

M. Bérard said: 'A solemn compact united the French People with their Monarch. This compact has been broken; and the violator of it has no title now to insist on its execution.' Charles X. and his son in vain pretend to transmit a power, which they no longer possess. Their power is extinguished in the blood of thousands of victims. The act of abdication, which has been laid before you, is only a fresh instance of perfidy. The appearance of legality which it wears is a mere deception. It is a brand of discord thrown among us.

'The real enemies of our country, those who by flattery urged the fallen Government on to ruin,

are busy on all sides; they assume all colors, they proclaim all opinions. If a vague desire of liberty seizes on some generous minds, our enemies hasten to take advantage of a sentiment, which they are incapable of understanding; and ultra-royalists present themselves in the guise of rigid republicans. Others affect a hypocritical attachment for the forgotten son of the conqueror of Europe, which would change into hate, if there could be any serious question of making him Chief of France.

‘The instability, inseparable from the existing forms of Government, encourages the promoters of discord. Let us disarm them by putting an end to it. A supreme law, that of necessity, has placed weapons in the hands of the Parisians, to repel oppression. This law has caused us to adopt as a provisionary Chief, and as the only means of safety, a Prince, who is the sincere friend of constitutional institutions. The same law would lead us to adopt, without delay, a definitive head for the State.

‘But whatever confidence this Prince inspires, the rights which we are called upon to defend, oblige us to establish the conditions, under which he shall receive his power. Odiously deceived on several occasions, it will be permitted us to stipulate the strictest guarantees. Our institutions are incomplete, vitiated even in certain points of view; it is necessary to extend and reform them. The Prince, who is at our head, is already aware of our just wants. The principles of several

fundamental laws have been recognised by him already; and other principles, other laws, are not less indispensable, and will also be secured.

‘We are the elected delegates of the People. They have confided to us the defence of their rights, the expression of their wants. Their first wants, their dearest interests, are liberty and repose. They have conquered their liberty; it is for us to secure their repose; and we cannot do so except by giving them a stable and just Government. It is idle to pretend that in doing so, we exceed our powers. I could refute this objection, if there was sufficient occasion, by invoking the law to which I have already referred, that of imperious, invincible necessity.

‘In this state of things, taking into consideration the grave and pressing situation in which the country is placed, the indispensable necessity of changing this precarious posture for a safer one, and the universal wish manifested by France to obtain the completion of her institutions, I have the honor to propose the following Resolutions.’

There can be no doubt that the Resolutions had been fully concerted and arranged out of the Chamber, before they were proposed in it. If this did not appear from the nature of the propositions themselves, it would from the slight discussion and alteration they received in passing through the Chamber to become the fundamental law of the land. Indeed there is little to be selected from the debates of these two

days, which accords with the all important nature of the subjects in agitation. Except a feeling protestation on the part of M. de Martignac, against the application of the word ferocity to the conduct of Charles, the most remarkable speeches in opposition to the Resolutions were those of M. de Conny and of M. Hyde de Neuville. M. de Conny argued at some length the claims of the Duc de Bordeaux in the following manner :

‘In the terrible circumstances in which we are placed, freedom of debate is more than ever a sacred law. I came forward at the voice of my conscience; silence would be cowardice. Social order is shaken to its foundations. These tumultuous commotions, which so lately suspend the action of the legitimate powers instituted to maintain order in society, are epochs of calamity, which exercise the most fatal influence upon the destiny of nations. Inexorable history, rising above contemporary passions, will impress upon these lamentable days the character which belongs to them, and the cry of human conscience is raised to consecrate this eternal truth, that *force constitutes no right*.

‘In these times of trouble, liberty is invoked, but the expression of thought has ceased to be free. Liberty is stifled by the sanguinary ones, which carry alarm in every direction. Suffer not yourselves to be subjugated by the votes which resound about you. Statesmen, remain calm in the midst of perils, and when confused voices call to France the son

of Napoleon, invoke the Republic, and proclaim the Duc d’Orleans, — unshaken in your duties, remember your oaths, and acknowledge the sacred rights of the royal infant, whom, after so many misfortunes Providence has given to France. Think of the judgment of posterity : — it would be terrible. You would not wish that history should say you were faithless to your oaths. The eyes of Europe are upon us. We have too long exhibited to her a spectacle of strange instability ; too long have we changed sides, as often as victory has changed colors. Brought back to truth by misfortune, let us remain calm in the midst of so many turbulent passions, and let us bestow our respect and tears upon great and royal disasters.

‘By continuing faithful to our duties, I wish to spare our country all the calamities and crimes consequent on usurpations. Viewing with an anxious mind the destiny of France, I perceive the twofold scourge of civil and foreign war threatening our noble country. I perceive liberty disappearing forever, I perceive French blood flowing, and this blood would recoil upon our heads. Deference to the principle of legitimacy, that principle established by the Charter, can alone preserve our country from this fearful destiny. All France is bound by oaths. The army, ever faithful, will bend their arms before the young King. I call to witness our national honor. Let us not exhibit to the world the scandal of perjury. In the presence of the sacred rights of the



Duc de Bordeaux, the act which should raise the Duc d'Orleans to the throne, would be a violation of all human laws.

'As a Deputy, remembering my oaths before God, who will judge us, I have truly spoken my belief. I should have forfeited the esteem of my adversaries, if, in the perils which surround us, I had remained silent. I declare the sentiments which animate me in the face of heaven: I would express them at the cannon's mouth. If the principle of legitimacy be not recognised by the Charter, I must say that I see not what right I have to participate in these deliberations.'

After M. Benjamin Constant had made some remarks in reply to M. de Conny, in the course of which he remarked that legitimacy, in its ordinary sense could no longer be invoked; and that the only legitimacy, which France now admitted, was derived from the People and the laws. — M. Hyde de Neuville said: —

'I judge no man. In politics, as in religion, all consciences are not subject to the same influences. Men seeking what is good may follow different paths. Each of us obeys his own conscience, mine is my only guide. If you do not partake of my sentiments, you will not refuse me your esteem. I have done everything which a Frenchman could do, to prevent the calamities, which we have experienced. I have been faithful to my oaths. I did not betray that family, which false friends have precipitated into abyss. I should contradict my life, and dishonor myself by chang-

ing my sentiments, were I to assent to these Resolutions. With my hand upon my heart, I cannot but reject the dangerous sovereignty, which the Committee proposes to establish. The measure which you contemplate, is of the deepest import, and ought to be weighed and examined with more of deliberation, than it seems about to receive. It is dangerous to rest the future destinies of a great People upon the impressions of a moment. But I have not received from heaven the power to arrest the thunderbolt. To the acts, which it is proposed to consummate, I can but oppose my wishes, in offering up the sincerest prayers for the repose and liberty of my country.'

Nothing, however, which could be said by the friends of the fallen dynasty, was capable of having any influence on such an occasion, and only served the purpose of a personal protest on the part of the speaker. But the peculiar position of La Fayette, as the professor of republican opinions and the most trusted individual of the Republican party, gave more than ordinary moment to the short speech in which he expressed his assent to the Resolutions. It was substantially as follows:

'On ascending this tribune to pronounce an opinion contested by many friends of liberty, I do not yield to any enthusiasm of the moment, nor yet I seeking a popularity, which I shall never prefer to the discharge of my duties. The republican sentiments which have manifested in all times, and before all powers, are well known; but these senti-

ments do not prevent my being the defender of a constitutional throne, raised by the will of the Nation.

'The same sentiments animate me at the present crisis, when it has been judged fitting to elevate to the constitutional throne the Prince Lieutenant General. And I am bound to avow that the choice coincides with my own desires the more, in proportion as I know him better.

'But I shall differ from many of my fellow citizens on the question of hereditary peerage. I have always thought it necessary that legislative bodies should be divided into two Chambers differently constituted; but never that it was useful to have hereditary legislators and judges. — Aristocracy is a bad ingredient to be introduced into popular institutions. It is, therefore, with great satisfaction that I find you engaged in a measure conformable to sentiments which I have all my life declared, and which I can now only repeat.

'While my conscience forces me to reiterate this opinion, my fellow citizens will do me the justice to acknowledge that if I have always been the supporter of liberty, I have never ceased to be the supporter of public order.'

An earnest attempt was made by M. Mauguin to provide for a purification of the magistracy by some article in the conditions of the contemplated Sovereignty, but without success. Men who felt no hesitation about changing the dynasty and decimating or abol-

ishing the Chamber of Peers, were affected by some unaccountable scruples as to the violation of rights nowise more sacred than those of the peerage and the royal family. In fact, very few material alterations were made in the Resolutions, as reported by the Commission to which they were referred; and of these the most curious was on motion of M. Dupin, in the following words: 'France resumes her colors. For the future no cockade shall be worn but the tricolored.' This amendment was adopted by acclamation. It seems at first sight an exceedingly frivolous and rather puerile matter to occupy the attention of the Chamber at such a time, and to be made an article of the new constitutional law. But we suppose it was intended as a propitiatory offering to the popular sentiment, being equivalent to a provision that the passions, purposes, doctrines, and principles of the first Revolution were adopted as the inheritance of the second.

On Saturday, August 7th, the Resolutions as amended were adopted in the Chamber of Deputies by a vote of 219 to 33, the affirmative votes being just four more than one half the entire legal number of Deputies. The question was taken at five o'clock in the afternoon, and the Deputies immediately went on foot in procession to the Palais Royal, escorted by the National Guards, to offer their Bill of Rights and the Crown to the Duc d'Orleans. M. Lafitte, the President of the Chamber read aloud the conditions on which the Sovereignty was proffered to him, and he ac-

cepted it on those conditions, pledging himself solemnly to the performance of the engagements imposed. Everything passed with the utmost apparent cordiality and sincerity on both sides.

Meanwhile the Chamber of Peers, which had been very little considered in all these proceedings, assembled at nine o'clock in the evening, after the proffer of the Crown to the Duc d'Orleans and the acceptance of it by him, to discuss and act upon the Resolutions which had been sent up from the Deputies. An elaborate speech was made by M. de Châteaubriand, which seems to have comprised nearly all the discussion of the meeting, warmly maintaining the pretensions of the Duc de Bordeaux. The Peers professed a feeling of delicacy in regard to an article of the Resolutions, which unpeered a portion of their House, and abstained from acting upon that, but adopted all the rest of the articles, by a vote of eighty to ten, and at half past ten o'clock repaired to the Palais Royal in imitation of the Deputies to signify their assent to the new constitutional act, — thus completing the formal transfer of the Crown.

The Declaration of Rights thus sanctioned by the future King, comprises amendments of the Charter of Louis XVIII., partly in respect of articles that were of a temporary nature, and partly in respect of general principles. In effect, it leaves the substance of the Charter as it stood, only making alterations in some of its provisions. The Deputies suppressed the preamble of the Char-

ter of Louis XVIII., as recognising the principle of *octroi* or royal grant, and as therefore inconsistent with the theory of national sovereignty, which ought to be the basis of a constitutional Charter. In place of this preamble a new one was substituted, which declared the throne to be vacant in fact and by right. The several changes in the body of the Charter concerned,

1. *The public Law of the French*, as it is termed, being that part of the Charter, which in our constitutions is called the Declaration of Rights. The old Charter, while it secured the maintenance and protection of all denominations of Christianity, entitled the Catholic the religion of the State: the new one makes no such distinction in favor of the Catholic Church, simply designating it as the religion professed by the majority of the French. It also assures the freedom of the Press by providing that the censorship shall never be re-established. These two changes are of course decidedly in favor of liberty, the second evidently so and the first not less so, as it places the Catholic and Protestant persuasions on a level. That is untrue, however, which some of the books on the Revolution assert, namely, that every system of faith, whether Christian or not, now stands on the same footing in France. The ministers of the Catholic and other Christian confessions are by the Charter to receive pay from the public treasury, and of course the Christian religion, without distinction of sect, is the religion of the State.

## 2. *The King's Government.*

The new Charter omits the words of the 14th article, which Polignac alleged as justifying the Ordinances, and expressly declares that the King shall never suspend the laws or dispense with their execution. It also takes away the exclusive right of the King to propose laws, and communicates the initiative to each of the Chambers in common with the King; thus materially abridging the royal authority.

3. *The Chambers.* The sittings of the Chamber of Peers, which previously had been private, are made public. Deputies are eligible at the age of thirty, instead of forty, as in the old Charter; and persons otherwise qualified become electors at the age of twenty-five instead of thirty; while the pecuniary qualification of both Deputies and electors, instead of being prescribed in the Charter, is left to be settled by a law. The Chamber elects its own President, instead of submitting a list of five candidates to the King. It is expressly provided that no tax can be established nor imposed, if it has not been consented to by the two Chambers and sanctioned by the King.

4. *Particular Rights.* Two new articles are introduced here, one of which seems to be a mere flourish of rhetoric, and the other unworthy the dignity of the instrument. Of the latter, which regulates the color of the cockade, we have already spoken. The former is in these words: 'The present Charter, and the rights it consecrates, shall be entrusted

to the patriotism and courage of the National Guard and all the citizens.' It is impossible to see any practical bearing which this article has, unless it is intended as an indirect mode of inserting a recognition of the National Guard. If so, why not do it plainly and directly?

5. *Special Provisions.* These consist of an article annulling all creations of Peers during the reign of Charles X. and providing that the whole subject of the peerage shall undergo revision. Whether hereditary peerage is consonant with the institutions and congenial to the spirit of the French, we do not stop now to inquire; but supposing that the institution itself is to stand, we do not see what justice or reason there is in disqualifying the ninety-three Peers created by Charles X. Their creation was just as lawful as that of any of their fellows, being by a similar exercise of royal authority under the Charter. Every consideration of their personal devotedness to Charles, of the want of fairness in the circumstances of their exaltation, and of the injurious influence they might exert in the new order of things, applies with equal force to a great number of judicial functionaries, whom the Deputies left untouched. But in truth very little respect was paid in any part of these proceedings to the Peers, who seem to have been slighted purposely in many particulars, and who were certainly injured as a body by this individual act; for if the Deputies had power to degrade ninety-three of the Peers, they had

power to abolish the whole Chamber.

The remaining article under this head, and the last we have to mention, consists of nine promises of laws, to be enacted with the shortest possible delay. These are the extension of the trial by jury to offences of the Press, and political offences; the responsibility of Ministers and the secondary agents of Government; the re-election of Deputies appointed to public functions with salaries; the annual voting of the army estimates; the organization of the National Guards, with the intervention of the National Guards in the choice of their officers; provisions to insure in a legal manner the state of officers of every grade by land and sea; departmental and municipal institutions founded upon an elective system; public instruction and the freedom of education; the abolition of the double vote, and the settling of the qualifications of electors and of eligibility.

All these modifications of the Charter augmented the popular liberties, but came so far short of the wishes of the more ardent of the victors of the Barricades, that great fear was entertained of some furious ebullition of public opposition to the proceedings of the Chambers. However, by the exertions of the leading republicans among the Deputies the effervescence was made to subside, and the whole went off without the commission of any violence. To prevent the recurrence of disorder, the settlement of the Government was energetically hurried forward by the Deputies,

arrangements being made for administering the oath of office to the new King on Monday next following the completion of the changes in the Charter. The Lieutenant General had greatly furthered his own popularity by the cordiality of his participation in all that was done for the security of the public liberties, and the friends of the new dynasty felt that it was desirable to sail on the tide of flood to the point at which they aimed.

The Baron Capelle, in the work which he has published on the Revolution, laments that the new King was neither anointed nor crowned, but simply installed, as they instal the presiding officer of a court of justice. It is truly lamentable that the principles of civil liberty have made such small advances in Europe, that sensible men should consider the mummeries and extravagance of the forms of royal coronation used by Charles X. as alone suited to 'the advanced civilization of France.' The journals of the day dignified the ceremony with the name of enthronement; and the phrase is well enough; but whatever denomination it should bear, the act of *qualifying* the Duc d'Orleans was sufficiently solemn and impressive, and attended with quite as much of state as belongs to a revolutionary monarch. It took place in the hall of the Deputies, in presence of all the parties to the late legislative acts. M. Casimir Perrier read aloud the Declaration of the Chamber of Deputies, and presented it to the Lieutenant General, who then requested and received of Baron Pasquier the

act of adhesion of the Peers. — The Prince then rose and said :

‘I have read with great attention the Declaration of the Chamber of Deputies and the act of adhesion of the Chamber of Peers. I have weighed and meditated all their expressions. I accept without restriction or reserve the conditions and engagements, which it contains, and the title of King of the French, which it confers upon me ; and I am ready to swear to their observance.’

M. Dupont de l’Eure, acting Keeper of the Seals, delivered the form of the oath to the King, who, according to the New England form of swearing practised in France, raised his hand, and pronounced the words of the oath as follows : —

‘In the presence of God I swear faithfully to observe the constitutional Charter, with the modifications expressed in the Declaration of the Chamber of Deputies ; to govern only by the laws and according to the laws ; to cause exact and impartial justice to be done to every one according to his rights ; and to act in all things with a sole view to the interest, the happiness, and the glory of the French People.’

The King then having subscribed the three documents, sat down and pronounced the following brief speech : —

‘I have performed a great act. I deeply feel the weight of the duties which it imposes upon me ; but my conscience tells me that I shall fulfil them ; and it is with the full conviction of this that I have accepted the conditions proposed to me. I could have wish-

ed never to occupy the throne to which the nation will has called me ; but I yield to this will, expressed by the Chambers in the name of the French People, for the maintenance of the Charter and the laws. The wise modifications which we have made in the Charter guaranty the security of the future ; and France, I trust, will be happy at home and respected abroad ; and the peace of Europe more and more confirmed.’

To render the ceremony more impressive the insignia of royalty were presented to the King by four Marshals of France. Marshal Macdonald presented the crown, Marshal Oudinot the sceptre, Marshal Mortier the sword, and Marshal Molitor the hand of justice.

M. Dupont de l’Eure concluded the proceedings by inviting the Deputies to meet the next day to take the oath of fidelity to the King and obedience to the constitutional Charter and the laws, and the assembly separated amid acclamations of applause, the Duc d’Orleans being now Louis Philippe, King of the French.

The first care of the King was, of course, to fix the organization of his Cabinet on a permanent basis. The *Moniteur* of August 12th announced that M. Dupont de l’Eure was appointed Keeper of the Seals ; General Gérard, Minister of War ; the Duc de Broglie, of Public Instruction ; M. Guizot, of the Interior ; Baron Louis, of Finance ; Comte Molé, of Foreign Affairs ; and Comte Sébastiani, of Marine. At the same time MM. Lafitte,

Casimir Perrier, Dupin, and Bignon became members of the Cabinet without holding portfolios. These eminent individuals, most of whom we have had frequent occasion to mention in the foregoing pages, represented the moderate party among the enemies of the late dynasty; and the same reasons, which had seemed to exact the hasty proceeding of the Deputies in the transfer of the Crown, namely, the danger of commotions in France and the necessity of conciliating the rest of Europe,—spoke loudly in favor of the formation of a Cabinet of moderate views.

The Ministers immediately proceeded to reform the officers of the army and the *employés* in the civil departments, by substituting for those, who held their offices or commissions from the late Government, men of their own political opinions. This was undoubtedly just and proper in such a case as a change of dynasty, a political Revolution brought on by the usurpation of the previous head of the State, and essential, indeed, to the stability of the new institutions. The officers of the old army now had their revenge for the neglect to which they had been doomed during the two last reigns. To have been prominent in the days of the Republic or the Empire became a title to reward, not a badge of disgrace. The victors of the Three Days did not manifest any indisposition to be recompensed for the toils and dangers and losses they had undergone during the last week of July. In the claims for official honors and emolu-

ments, which occupied the attention of the new Ministers, those of the journalists were not the least urgent. While their fearless conduct had certainly entitled them to be well considered, yet if they were desirous thus to cancel the merit of their professedly patriotic exertions by receiving compensation as for mercenary services performed, it may well be supposed that no Government, in the then state of France, would feel disposed to slight the pretensions of those, who governed the movements of the newspaper Press.

The next care of the new Ministers was to place themselves in amicable communication with the various powers in Europe. As to the United States there was of course no room for doubt or difficulty. Mr Rives was among the earliest of the diplomatic agents in Paris to offer his good wishes to a Government, which, beside the advantages of having plausible grounds of right to stand upon in the sense of legitimacy, had the nobler claim to respect, in the republican sense, as being the product of the sovereign will of the People. Our Government entered, without hesitation, into the most cordial and friendly intercourse with that of Louis Philippe. Nor could Great Britain fail to see that, in the recent events, France had but imitated the proceedings of the revolution, by virtue of which alone the House of Hanover ascended the throne. Whatever sympathy the Duke of Wellington had for the fate of Charles X., it was impossible for him to deny that this

unhappy Prince had provoked and justly incurred his misfortunes. Nor would the Duke, or any other English Minister, however strained the notions he might entertain of legitimacy, have presumed to propose the quixotic plan of refusing to acknowledge Louis Philippe. England, therefore, from principle, and the Netherlands, as much from fear as principle, manifested no reluctance in renewing their amicable relations with France. Austria, Prussia, and Spain were less prompt in doing so; but they, like some of the minor States, did not feel bold enough, either individually or collectively, to defy the revolutionary spirit, which if duly provoked seemed as capable now, as it was thirty years before, of sending out its armed missionaries to preach a fearful doctrine of liberty and conquest in every corner of Europe. Russia made a stand against the dangerous example of popular right taking to itself the companionship of popular might; but the domestic troubles of the Czar compelled him also to temporize, and at last acknowledge the new Government when he could no longer help doing it. France herself, with the democratic vigor of a national effort, speedily armed her population and assumed the attitude of defensive energy suited to her new position; and while professing an earnest desire to preserve peace, prepared herself to encounter the hazards of war without reluctance or apprehension.

All Europe now stood in fearful and anxious expectation, filled

with well founded dread lest the diffusion of the sentiment of freedom and national independence from France to other countries should kindle up intestine commotion and foreign war from one end of Europe to the other. It is not surprising that Sovereigns, whose whole rule was a series of usurpations such as that which had just buried Charles X. from his throne, and who held their authority only by the tenure of conquest or successful oppression of their natural subjects, should begin to feel a terrible looking forward to judgment, when they heard the lesson of popular strength and popular vengeance, which the barricades of Paris proclaimed to every subject of misrule throughout the civilized world.

They saw that France had reopened a school of liberty for the teaching of nations. The Marseillaise had again become classic verse, chanted by every voice and seemingly sacred to every heart, where but a few weeks before to lisp its name would have been sedition. The *Reveil du Peuple* rang once more through France, arousing her myriads like a trumpet call. The tricolored flag, which had waved in triumph over so many well fought and hard won fields of battle, was unfurled again, and flung abroad to the breeze as the standard of a martial people, full of enthusiasm and ardor, and proud to avow those forbidden tenets of national independence, which European princes would gladly keep confined to these wilds of America. What wonder



that Nicholas, or Frederick William, or Francis of Austria, or William of Nassau should have trembled in the inmost recesses of their palaces? For they saw France again revolutionary, revived, regenerate, snapping asunder the chains which had been fastened upon her at Waterloo like Sampson escaping from the toils of Dalilah, and standing up in her strength as an armed knight ready to do battle against all challengers.

It comes not within the scope and compass of our present purpose to follow the effects of the Revolution at home or abroad. The repetition of the barricades of Paris in Brussels, the troubles in Italy, the revolt of the heroic Poles, the discussion of constitutional reform in England,—these and other kindred topics belong to the history of another year. We leave the French with the form and conditions of Government which their leaders had chosen for them, entering upon the agitated career of freedom under better auspices than in the old time. The whole field of political disquisition was now open to her writers and her speakers. With them, it was no longer a dispute of ordinances, or double vote, or censorships, and still less of Villèle or Polignac, those ministerial bugbears, which had so long been used to frighten men withal. These were trivial questions which had passed away forever, and yielded place to more stirring matters, as the rushing tempest clears off the

mists that hover about the lower sky. It ceased to be a consideration simply of the now comparatively trifling inquiry, of what dynasty should sit on the throne of Saint Louis. In the development of the principle, which was now the basis of the public law of the French, that neither divine communication to a favored individual or family, nor transmission by hereditary succession, nor prescription, nor concession from the head of the church, nor consecration by his legates and bishops, was the legitimate source of power, but that it flowed only from the supreme will of the People;—and in the consideration whether the defence of their own institutions did not require them to anticipate the formation of a hostile league of crowned heads, and to propagating the faith of liberty as it were *in partibus infidelium*, so as to raise up beforehand an adversary league of the governed millions for their reciprocal protection against the governing few;—in such deep and all comprehensive subjects of interest was the rife mind of France now absorbed, to the exclusion of every meaner thing. To the French there had commenced a period of daring speculation, of bold purpose, of brilliant promise: to all but the French, a period of vehement agitation and uncontrollable solicitude. The meteor star of revolution had arisen to pour forth its stormy light upon the nations: but what presumptuous gazer could presume to calculate its orbit?

## CHAPTER XIX.

### NETHERLANDS.

*Opposition of the Allies to Republican Governments. — Kingdom of the Netherlands. — The Creation of the Congress of Vienna. — United Provinces, Islands, &c. of German Origin. — Walloons of the Gallic race. — Contests of the Fifth Century between the Salians and Saxons. — Conversion of Witikind to Christianity. — Conquest of the Country by Charlemagne. — Corporate Trades. — Charles the great grandfather of Charles Fifth. — Marriage of his daughter with Maximilian of Austria. — Connexion with Ferdinand and Isabella. — Charles Fifth. — Reformation. — Inquisition. — Philip. — William of Japan. — The obnoxious Minister Granville. — Gueux or Beggars, the title of the Opposers of Government. — Division between the Protestants and Catholics. — Union of the Seven United Provinces. — Power of the Dutch in the Seventeenth and Eighteenth Centuries. — Conquests in the East and West Indies. — French Revolution. — Batavian Republic. — Kingdom of Holland. — French Province. — Belgium annexed to France. — Revolution of 1813. — Restoration of House of Nassau. — Constitution. — Belgium united with Holland. — Assembly of Notables. — Amended Constitution. — Public Debt. — Situation of the Netherlands as to Foreign Powers. — Internal Disputes from the Catholic Religion and Education. — Free Trade and Restriction. — Ordinances as to Language. — Budget. — M. de Potter. — His Trial. — Session of 1829. — Ministerial Responsibility. — Law on the Press. — Revolution of 26th August, 1830. — Demands of the Belgians. — Meeting of the States General, 12th September, 1830. — King's Speech. — Provisional Government at Brussels. — Attack of Prince Frederic. — Recognition of Belgians by the Prince of Orange. — Return of M. de Potter to Brussels. — Character of King William.*

WHEN in 1814, after the downfall of the great chieftain, the Plenipotentiaries of the primary powers met in Congress to parcel out the fruits of their victories, and to reconstruct the fabric of Euro-

pean society, a cardinal principle, by which they were actuated, was hostility to all republics. Recollecting what Kings and Emperors had suffered from the anarchists and military despots of France, they

did not enter into any minute examination of the modifications of which this class of governments is susceptible. The *status ante bellum*, on the strength of which the Allies had fought and conquered, was good for the Prince but of no avail when applied to the People. It is true, the absurdity was not attempted of subjecting the hardy Swiss peasantry, who had retained at least a nominal independence in the worst of times, to the sway of sovereign princes, but the ancient renown of Venice and Genoa pleaded in vain for their renewed existence as separate States; and it could hardly be expected that, in taking from France some of the most valuable additions made to her territory by the Republican and Imperial Governments, it was intended to give places in the councils of Europe to the untitled burghers of Amsterdam, or to constitute into a republic those Austrian provinces, which had of old preferred despotism and the inquisition to independence, accompanied by religious toleration.

The well concerted plans of the adherents of the house of Orange had, indeed, in some degree relieved Metternich and Castlereagh and their worthy associates from the responsibility of proclaiming to the enterprising and industrious Hollanders that that system, under which their ancestors had immortalized themselves by an almost continued struggle of eighty years with the then most powerful State of Christendom, was gone forever.

But the change which the Government of Holland underwent in

substituting a king for an hereditary stadtholder and transferring to the sovereign the whole executive power, much of which had formerly been shared with the States General and the Provincial States, is far from constituting the most important matter connected with the construction of the Kingdom of the Netherlands.

This State is truly and emphatically a creation of the Congress of Vienna, and as, from recent events, it is probable its two great divisions, which were disconnected prior to 1814, for nearly two centuries and a half, will hereafter form separate principalities, a brief reference to some of the causes which produced the marked dissimilarity between the people of Holland and Belgium may not, at this time, be without advantage.

Though the history of the Kingdom of the Netherlands fully shows that the influence of religion and present interest are more influential with nations than the recollection of a common origin, it is not unworthy of notice, that the northern section of the Kingdom, constituting the old Republic of the United Provinces, as well as Flanders and the western and maritime districts, was settled by inhabitants from Germany, while only the people between the Meuse and the Scheldt, denominated Walloons, belonged to the Gallic race. The territory of the latter, indeed, with a portion of France, formed one of the three parts of ancient Gaul, and is known by the name of Belgium in the Commentaries of Julius Cæsar.

In the contests of the fifth century between the Salians and the Saxons we have a prototype of the long wars which were to arise between France and England, and which, as has since so frequently happened, were then settled in the Low Countries.

In a subsequent age, even those Districts which had been enabled to escape the Roman yoke, were compelled to submit to the combined operations of Christianity and civilization; and when, about the commencement of the ninth century, Witikind, the last avenger of national independence, was converted to Christianity and became a noble of the Court of Charlemagne, the conquest of his country was consummated.

The same causes were everywhere attended with similar effects. The origin of the Italian Republics of the middle age and the resistance which the cities of Germany offered to the neighboring barons present many analogous features. The despotism of the Franks led the Netherlanders to form those associations for mutual protection in the different towns, which are the foundation of many of their most valuable municipal rights, and which, under almost the same name of *Guild* or *Guilder*, are to be recognised as the basis of the English corporate Trades. Within a century from the death of Charlemagne these corporations had extended themselves over the whole of Flanders; and after the crusades had diminished the power of the Nobles and increased that of the People, we trace many examples

of the successful efforts of the burghers against the influence of feudality. The Courts of the Provinces, also, though acknowledging a nominal dependence on the Emperor, ruled without reference to the superior lord.

In the fourteenth and fifteenth centuries, the Government of the Netherlands was in a great measure concentrated in the houses of Burgundy and Bavaria, which were closely connected by intermarriages. Charles, the great grandfather of the illustrious monarch of that name, having under his domination an extent of territory, exceeding that of the late Kingdom of the Netherlands, conceived the idea of assuming the royal diadem, — a project that, according to the views of those times, required the sanction of the Emperor, but in obtaining which he was defeated by his own arrogance.

The daughter and heiress of Charles married Maximilian of Austria. His son and daughter formed matrimonial connexions with the daughter and son of Ferdinand and Isabella of Castile and Arragon, — an alliance which led to the connexion with Spain, — a connexion which cost the Dutch two thirds of a century of protracted war and suffering, before their deliverance from all foreign sway was gloriously achieved.

The fruit of this marriage was the Emperor Charles Fifth, who was inaugurated Duke of Brabant and Count of Flanders and Holland, and became, by other titles and acquisitions, Sovereign of all the Netherlands almost at the same epoch that the principles of

the reformation were adopted and promulgated in the Low Countries by the Bishops of Utrecht, the learned Erasmus of Rotterdam, and other distinguished individuals.

It is from this date that we may trace those distinctions between the Northern and Southern provinces, which, fostered by national institutions leading to the pursuit of different branches of industry, overcame all ties of primitive origin and common language, and led to those frequent altercations, for which, the deliberations of the Netherlands Legislature during the whole period of its short-lived existence, was conspicuous.

Charles, who, while on the throne, had never discovered what his simple effort to make two watches go alike taught him while in retirement, the absolute impossibility of bringing about a conformity in the sentiments of mankind, laid, in his reign, the foundation of the persecution of the Protestants.

The Inquisition, in a modified form, was introduced into the Netherlands, but it was Philip who drove his subjects to an armed resistance against edicts, aimed not less at their civil liberty than at their religious faith.

This monarch, who left behind him, in his wide dominions, a most unenviable reputation for cruelty and bigotry, was wholly devoid of sympathy for the people of the Low Countries, of whose language and customs he was entirely ignorant. The States of the Provinces still possessed many of the rights usually exercised by the nobles and deputies of towns

in the feudal monarchies of the middle ages.

The most insidious attempts were made to wrest the liberties of the People from them, but they were effectually thwarted by William of Nassau, who commenced in the States General in 1559, a constitutional resistance, to which subsequent events compelled him to give a totally different aspect. In the early discussions, the removal of an obnoxious minister was the ostensible ground of opposition, and the name of Granville figures as much in the annals of 1560, as that of Vanmaanen in those of 1830 ; but the stress laid on those comparatively insignificant individuals, in the one and the other case, only proves how much easier it is to interest the feelings of the people against obnoxious rulers than to induce them to embark in the support of an abstract proposition. In this hostility, however, to the unconstitutional servants of the Crown, principles were distinctly embodied, and despotism was attacked in the persons of its ministers.

The defenders of the People's rights were stigmatized as *gueux* or beggars ; a term which, like that of Democrats or Workingmen among us, soon became a title of triumph instead of reproach.

At first, it was a general resistance to illegal edicts that united all good patriots, and the Southern Provinces co-operated with their countrymen. The city of Antwerp, indeed, was the central point of Union. But the special grievances under which the Protestants labored by the attempt to

put into vigorous execution the furious decrees of the Council of Trent against heresy, and the establishment, in its fullest rigor, of the Inquisition, gave to this persecuted sect peculiar grounds of resistance; while their deep-rooted bigotry led the Walloons Provinces, in 1578, to abandon all association with their heretical brethren, and desert the patriot cause.

This proceeding was followed by a union of the northern section of the country, the foundation of the Republic of the seven United Provinces, embracing Holland, Zealand, Utrecht, Friesland, Groningen, Overryssel and Guiderland. The new government was remarkably wanting in energy, having many of the defects, and in a still greater degree, of our old confederacy. Each province was independent, and though Holland, from its preponderating strength, possessed great influence, yet the assent of each member of the confederacy was in all cases necessary, — a provision which frequently occasioned the most ruinous delays in foreign negotiations and other matters of paramount importance. Antwerp, Ghent, Bruges, and other commercial towns had likewise, at first, sided with the cause of liberty and protestanism. They were, however, subsequently compelled by superior force to leave the association and to adopt as their exclusive faith, the religion of their Spanish rulers, which, in time eradicated Protestantism from the Provinces, that continued subject to foreign domination.

The plan of our labors only allows us to describe by way of

rapid retrospect the occurrences of those remote times. We must, therefore, pass over the cruelties of Alva, the treachery of Anjou, the judgment and moderation of William of Nassau and the many interesting incidents of the civil war. From the treaty of Munster, the history of the United Provinces is blended with that of the great European world. Connected with the primary states in all the important wars and negotiations of the 17th and 18th centuries, they not only became the commercial rivals of England, but contended with her for the supremacy of the ocean. The influence of the Dutch was not confined to their own continent. They were successful in laying the foundation of colonies in the East and West Indies and many of the inhabitants of the middle section of our Union, boast a descent from the natives of Holland.

In our own revolution, the United Provinces were appealed to by the infant Republic of America, and strongly urged to aid in furtherance of a contest for those principles of national independence, of which their own annals presented so glorious a precedent.

Crippled in her naval strength, by the unequal struggles, which in the last wars she had carried on with her formidable rival, and weakened by the attempt in 1787 to diminish the power of the Stadtholder and which had been terminated by the interposition of foreign troops, Holland could offer no resistance to the overwhelming current of the French Revolution. Following the example

of the '*great nation*' the Stadtholderate was abolished, the States General were transmuted into a National Assembly, the name of the United Provinces was lost in that of the Batavian republic; and when Bonaparte subsequently assumed the imperial crown, this country was granted to his brother Louis, from whom it was in a few years wrested and annexed to the empire on the extraordinary pretext that the Provinces of Holland were an alluvion of the French rivers. Before, however, her nominal independence was annihilated, England had put an end to all those formidable means of annoyance, which the countrymen of De Ruyter and Von Tromp, had once possessed. At the battle of Camperdown (17th Oct. 1797) the principal part of the Navy of Holland was utterly destroyed, and the Colonies fell, of course, into the hands of the mistress of the ocean.

Belgium, which was one of the first conquests of the republican arms, had been long previously annexed to France; and of its history subsequent to the independence of the Northern provinces, it may suffice to observe that, in the partition of the Spanish successions, by the treaty of Utrecht in 1713, the possessions of the Catholic King in the Low Countries were ceded to the Emperor, as a compensation for his consenting to the accession of the grandson of Louis XIV., to the crown of Spain and the Indies. While, indeed, the United Provinces for two centuries, commanded the respect and admiration of mankind, the Southern Nether-

lands were only accounted of importance among nations, when it became necessary to settle a question of conflicting indemnities. Before the Austrian sway was withdrawn from these countries, it was manifested, by the result of the reforms proposed by the Emperor Joseph, that, however much influence the writings of the French philosophers might elsewhere have produced, the Provinces of the Low Countries had escaped the infection. The Catholic religion had high effect in the southern section of the herlands, in behalf of superstition, what Protestantism had formerly accomplished for more enlightened doctrines in the regions of the north. The Belgian clergy vehemently resisted all attempts to interfere with the absolute control which the usages of that religion give to the priests, over the minds and actions of their parishioners.

The revolution of Holland, of 1813, was one of those national movements, not unusual in the times in which it was accomplished. The people seemed disposed to rise in the majesty of their strength and redeem their country from the bondage of foreign oppressors. It was not, as has often been remarked, the Princes but the People, who overturned Napoleon's widely extended empire; and assuredly, if any part of Europe suffered from the French sovereignty, it was Holland. Not only was one half of the youth carried away to fight battles in which they had no interest, not only was the whole population burthened with the heaviest taxes, but the *continental system* was fatal to Am-

sterdam and the other great towns, which had been enriched by foreign trade and were dependent on commerce for a continuance of their prosperity. When, therefore, some of the partisans of the Prince of Orange, in the latter part of 1813, took advantage of the declining fortunes of Bonaparte, and collecting a trifling force of two or three hundred men, proclaimed the House of Nassau, they were seconded by the Nation at large without reference to those minor distinctions, by which they had anciently been distracted. William I. was every where proclaimed sovereign prince, and thus by the happy arrangements of his friends, he was freed from all embarrassments respecting the disputed functions of a Stadtholder; on assuming the Government, he published an address, in which he thus expressed himself with regard to the authority with which he was about to be invested. 'You desire, Netherlanders, that I should be intrusted with a greater share of power than I should have possessed but for my absence. Your confidence, your affection offer me the sovereignty, and I am called upon to accept it, since the state of my country, and the situation of Europe require it.' The preliminary acts were followed by more formal arrangements. A convention of notables to the number of six hundred, selected by the householders without distinction of religion or other considerations, from twelve hundred names submitted to them by a special commission, met at Amsterdam on the 26th of March, 1814, and

adopted a political code as the basis of the new Constitution. Immediately thereafter the Prince of Orange took the requisite oath and was solemnly inaugurated in the sovereignty.

While these proceedings were occurring in the northern Provinces, Belgium was undergoing the same political transition as the other states of Europe. Though from the extended markets which Napoleon's empire shut out from all English supplies afforded for her manufactures, there was less reason for discontent there, than in the other portions of the Netherlands, it was not consistent with the views of the Allies that those rich provinces should continue annexed to the dominions of France, a final incorporation with the country, to which they had been united for several years, would unquestionably have been gratifying to the mass of the Nation, while the old nobility and privileged orders sighed for the return of the Austrian sway, under which alone their ancestral rights could be rendered of any avail. Occupied by the forces of the coalesced powers, some indication of the future disposition of the southern Provinces was given by the treaty of Paris, but it was by the treaty of London of June, 1814, that the nature of the increased territory intended for Holland, was distinctly indicated. It was then determined without consulting the component parts of the new state, that the old Republic of the United Provinces and Belgium should together constitute a Kingdom, and besides covenanting for this Union, the Allied



Powers were parties to the treaty, which required that religious liberty, and the equal right of citizens of every persuasion to fill all public employments should be maintained—that the Belgians should be fairly represented in the States General—that all commercial privileges should be open to the citizens at large—that the Dutch Colonies, some of which England had restored, should be deemed to belong equally to the whole Kingdom, and that the debt of the two countries should be a joint charge. The Duchy of Luxemburg, the only Province remaining of those which before the 16th century, had formed the Spanish Netherlands, was likewise placed under the sovereignty of the new King, but without being incorporated with the monarch. Being given as an indemnity for his hereditary dominions, it was made to constitute a part of the Germanic confederacy.

The Constitution formed for Holland, and to which we have alluded, was extended to the whole country. It had been framed, as we have seen, without reference to Belgium, but to give to this part of the Kingdom the appearance of concurring in the establishment of the fundamental code, on the promulgation of the decision of the Sovereign Powers from Vienna, in February, 1815, a mixed commission was appointed to propose the modifications rendered necessary by the enlargement of the new State; and on the 16th of March the title of King of the Netherlands was assumed. Before the commission was prepared to report, its business was inter-

rupted by the events which were concluded by the battle of Waterloo on the 17th June, 1815, and which affords another instance of bringing to issue the affairs of Europe in the rich and luxuriant provinces of the Netherlands. On the 13th of July following, the labors of the commission were terminated.

The Constitution gives the executive power to the Sovereign, and the legislative to him in concurrence with the States General; one House of which is elected by the Provincial Estates, who are chosen by the People, and the members of the other are named for life by the King. The independence of the Judiciary was provided for. The usual guarantees are inserted for personal liberty and private rights, though that of trial by jury generally deemed an essential provision, was not introduced. It was declared that the liberty of the press should have no other restraint than the responsibility of the writers, printers, and publishers. The Provincial States were to be continued for administrative purposes, and they also were to regulate the local budgets. The number of Deputies of the Lower House was not determined by population; but though the Southern Provinces contained more than three fifths of the whole number of inhabitants, the same amount of representation was given to each of the two portions of the Kingdom. This apparent inequality was, it was said, compensated by the fact that Batavia, Surinam, Curacoa, and St Eustatia, which were restored by

Great Britain, were peculiarly the colonies of Holland, as well as by the greater wealth of that country. Instead of deriving the benefits anticipated from the foreign possessions, we may here remark *en passant*, they were even literally sources of weakness. Though by an advantageous exchange made with the British Government in 1824, Bencoolen and all the islands of Sumatra were obtained for Malacca and the Dutch settlements on the Indian Continent, a war in Java, which broke out in 1821, was protracted through several years and only declared by the King to be terminated, in his message, delivered to the States General in the session subsequent to the secession of Belgium. Equality of religion was specially stipulated in the Constitution. As in France, the *projects* of laws came from the Government, and the Heads of Departments, whether members or not, had the right of explaining in either House, the views of the administration.

The nature of the union cannot be understood without a full knowledge of the amount and character of the debt assumed on the general account of the new Kingdom. This burden, imposed on the State at its organization, including twenty-five million florins for a Russian loan contracted at Amsterdam, and the debt anciently hypothecated by Austria on her Provinces in the Low Countries, amounted, in 1826, to 3,800,000,000 florins. In this aggregate, however, is estimated the old debt, which was not all paying an interest; but two thirds

of which having been struck off by Napoleon was still deferred and only admitted by instalments of four millions annually to the favored class. The sum at the time referred to, absolutely a charge on the yearly resources of the country, was 1,664,669,000 florins; the greater part of which was originally contracted for purposes altogether alien to the interests of Belgium. The taxes levied in 1826 are stated at 104,542,413 florins, and the average for the eleven preceding years had been 88,044,152 florins, or about £7,337,012.

On the 27th of August, 1815, the King published his decree announcing his adoption of the fundamental law. It had been approved in the Northern Provinces by the States General, convened in double the ordinary number. In the Southern Provinces, recourse was had to the same means of getting together an assembly, as had been employed in Holland on the first return of the Prince. A number of notables from each Arrondissement, were convened in proportion to the population; but as appears from the royal proclamation itself, the expectations of the King were not answered, and it was only by putting on the acts of the meeting, a forced construction, that the Constitution could be said to have been approved by his Southern subjects. Of the persons called together, one sixth did not attend; and of the remainder, only five hundred and twenty supported the *project*, while seven hundred and ninety-six opposed it. But as one hundred and twenty-six of those

who voted against the Constitution formally declared that their hostility was occasioned by the articles respecting religion, and as these were conformable to the legislation which had long existed, were founded on treaties, and were in harmony with the principles which the most pious sovereigns had introduced in the system of Europe; they could not be omitted in the Constitution of the Netherlands without jeopardizing the existence of the monarchy and without weakening the guarantee of the rights of those very persons, whom these stipulations had most alarmed. In this state paper, it may be added, little respect was paid to the Catholic Clergy, who, it was pretty clearly intimated, had been wanting in that evangelical charity and toleration which were to be expected from the ministers of religion.

The Kingdom of the Netherlands, as organized by the Allied Powers, was two hundred and twenty miles in length by one hundred and twenty in breadth; but though of extremely limited extent, yet, as it was the most densely populated country in Europe and possessed resources commensurate with its fertility, it might have presented the aspect of a formidable state, were there not other sources of weakness inseparable from its very existence. It was accessible to the attacks of powerful neighbors, to whom its resources afforded it no means of offering an adequate resistance.

The events that preceded the battle of Waterloo, proved that its independent sovereignty was no barrier against the inroads of its

southern neighbor, nor could much reliance in future be reposed in the extensive fortifications which formed the subject of special regulation at Vienna, but which would be found a very inadequate resistance to the arms of France supported by the sympathies of the Belgic population. Not only are the ports of the Netherlands within a few hours' sail of the English coasts, but their northern frontiers touch his Britannic Majesty's Kingdom of Hanover. On the side of Prussia, there is no natural boundary, and what was effected in favor of the Stadtholder in 1787 might be again repeated in furtherance of the interests which that State might hereafter espouse.

The Netherlands was brought still more intimately into the vortex of European politics by the alliances contracted between the families of the new Sovereign and of the neighboring potentates. The Queen is a sister of the King of Prussia. The eldest son of the King, to whom the title of Prince of Orange was given, married the sister of the late and present Emperor of Russia, after the Princess Charlotte of England refused his hand. The Prince Frederick and the Princess Marianne were assigned to members of the royal family of Prussia.

But the apprehension of foreign aggression was of little consequence compared with the irreconcilable internal dissensions which prevailed throughout the whole period of the existence of this ephemeral kingdom. The most important of these were to

be attributed to the discussions growing out of the pretensions of the Catholic Clergy, to the diversity of views between the Northern and Southern Provinces respecting the principles of commercial restriction, and to the undue preponderance given to the Dutch, both in the Legislative Councils and in the Executive Offices.

Religion was supported by the State, as in France, by payments out of the public treasury to Ministers of every sect; but though there then were five millions four hundred thousand Catholics and only one million three hundred thousand Protestants, it was mentioned in 1818 as an instance of the unfairness of the Legislative provisions, that the former received but one million eight hundred thousand florins, while one million three hundred thousand were paid to the latter.

The King required, from the beginning of his reign, that no application should be made to the See of Rome for briefs without his permission, and various other steps were taken to repress the power of the Belgian Priests. In 1823 the Catholic Societies at Brussels and Utrecht were suppressed as dangerous to the public tranquillity. In 1825 the young men were prohibited from studying out of the Kingdom, and a College of Philosophy was established at Louvain for those destined to the Church. Against this measure of the Government continued protests were made, similar to those which had been offered to the General Seminary formed at the same place by Jo-

seph Second, and when, in 1827, the King made an arrangement with the Pope, he was obliged to abandon the regulation, rendering it imperative on the students of theology to attend the public schools. By the treaty in question, the *concordat* of 1801 with the French Government, was renewed, and soon after the vacancies in the Bishoprics were supplied.

We find, however, down to the date of the revolution, complaints of the monopoly of public instruction, of the suppression of the *minor* seminaries and of the necessity imposed on fathers of families to send their children to the colleges, and it seems most certain that with the mass of the people, the danger apprehended for the church was far more cogent in inducing resistance to the oppression of the Government than any infraction of civil rights could have been.

The cry was excited that the Government wished to protestantize Belgium, and that it was necessary to take measures to preserve the free exercise of the Catholic rites. The religious feelings of their countrymen were taken advantage of by the popular leaders, and M. de Potter, who was more than suspected of infidelity, published, in 1829, a pamphlet under the title of 'Union des Catholiques and des Protestans,' in which the two most opposite factions, the *parti prêtre* and *parti démocrate radical* were called on to act in concert—a scheme which was fully accomplished, and thus the Romish Church became, what it was in

Ireland, the ally of the true friends of the people. The annals of the Netherlands are almost as replete as those of our own country with discussions on free trade and the restrictive system. Unfortunately, however, for the cause of sound philosophy, the questions there, as here, were generally decided, though in a different way, on sectional grounds, without leaving much opportunity for dispassionate investigation. The agriculturists and manufacturers of Belgium, deprived of the extensive home market which their incorporation with France had afforded, called loudly on the Government to prohibit the introduction of all corn from abroad as well as the importation of all foreign manufactures. With Holland on the other hand, commerce was hardly more a means of subsistence than a ruling passion, and no shackles on trade could therefore be acceptable to the countrymen of the King. In even the minutest details, the clashing of opposite interests was made apparent. While on the one side the system of transit adopted for the Northern Provinces excited the complaints of the Belgic manufacturers, on the other, the taxes imposed at their solicitation, on the importation of English goods, removed from the ports of Holland and diverted them to Hamburg, from whence they flowed into Germany.

The use of the language of the Netherlands was likewise a fruitful theme of dispute between the Government and its Southern subjects. All Belgians, who had received the most ordinary educa-

tion, were capable of speaking French with more ease and fluency than the original language of the country, which differed materially, even from the dialect employed in Holland. Assimilated to the French by a hundred ties, it was with the greatest reluctance that they could be induced to abandon the language in which was to be found the literature in which they delighted, for a tongue which they deemed barbarous and which constantly reminded them of an incorporation with a people from whom they were completely estranged by feeling and interest.

With the King, however, the establishment of a national character was a favorite measure. He even attempted to confound the names of Holland and Belgium in that of the Netherlands.

In 1819 a royal ordinance appeared, requiring the use of the peculiar language of the country, viz., the Dutch or Flemish, in all public proceedings and by the *employés* of the Government. This decree, besides having in view a conformity of no importance, was aimed at the French functionaries, who had become naturalized at the organization of the new Government, but whose supposed partiality rendered them objects of suspicion to the Dutch. To all the inhabitants of the Southern Provinces, the proposed change was, for the reasons already given, an extremely unpopular measure. This law was at first only attempted to be partially put in force; but in the latter part of 1822 a new ordinance was published, confirming the previous one and declaring that it

should have its complete execution from 1st of January, 1823. It was found necessary subsequently further to modify the project by various decrees ; but it was not till after the revolution had been commenced that the King ceased his harassing efforts to change the language of a majority of his people. By an ordinance of 4th June, 1830, all the previous policy was altered, and every one authorized to use the language he thought proper. It had then, however, become too late for concession to be of any avail.

The budget, in all constitutional countries, the topic on which to concentrate the opposition, was in the Netherlands the foundation, at every session, of many animated debates.

It was not so much the amount of the taxes, as the sources from whence they were derived, and the origin of the debt by which they were occasioned, that bore heavily on the population of the Southern Provinces. A large proportion of this debt, as we have seen, was the peculiar charge of Holland and of the several Governments which had prevailed in that country. This was placed to the joint charge of the whole State, but as the inhabitants of the Southern were twice as numerous as those of the Northern Provinces, two thirds of the debts of the latter were defrayed by the former ; and this inequality was but slightly counterbalanced by the debt which had been specially placed on her Provinces in the Low Countries by Austria, and which

she exacted from the new Kingdom at its establishment.

In the nature of the taxation, also, the agricultural and manufacturing Belgians had no means of competing with the Dutch. The equal representation from the North, with the functionaries who of course voted according to the views of the Court, by whom the members of the first Chamber were also appointed, placed millions at the disposition of Van Maanen and his associates.

The financial system of the Netherlands was somewhat peculiar. Instead of submitting all the appropriations to the annual consideration of the Chambers, the mass of them were voted for ten years ; thus by the decennial budget presented in 1830, sixty millions seven hundred and fifty thousand florins (twenty millions two hundred and fifty thousand dollars) were demanded, while the annual budget of that year was only seventeen millions fifty thousand florins (five millions six hundred and eightythree thousand three hundred and thirtythree dollars) ; and as in the very first discussions after the establishment of the Government, the opposition of the Southern Provinces was brought to bear on this subject, the efforts of the administration were directed to placing as many articles as possible beyond the reach of the contingency of the Ministry, being in the minority, while the arrangements as to the debt were so extremely artificial and intricate as to elude all ordinary investigations. But as representatives will generally

grant for a short period what they would withhold if asked for an indefinite time, whenever these debates did take place they from their very infrequency, caused comparatively greater excitement; and in 1830 the legislature did really exert a constitutional power, which is generally considered a mere matter *in terrorem*, and at one time refused the ordinary supplies.

It was therefore deemed necessary to employ the whole patronage of Government to carry on its measures. In effecting this, the King resorted to acts, which, however familiar they may be to the citizens of the United States, accustomed, as we are, to see public functionaries servilely submissive to the will of their official superiors, could not be endured by the subjects of this monarchical State. Several of the members of the second Chamber happened to hold offices under the Government; but deeming their obligation to their country paramount to those which they owed their party, they voted in one of the last sessions, against the administration and were forthwith, by the advice of Van Maanen and his associates, removed from the public employ. This was deemed an assault on the chartered rights of the people; and such was the indignation of their fellow citizens, that the proposition of M. de Potter to raise a fund to indemnify those who had suffered for the assertion of their principles, was received with enthusiasm.

M. de Potter, to whom we have just referred, and who was des-

tined to become so celebrated in the revolutionary history of his country, had been previously distinguished for his literary reputation and by his publications against the Dutch administration. At the time when the proposition, of which we have spoken, was made, Mr Potter was in confinement, having been sentenced, for a former libel on the Government, to eighteen months' imprisonment and to the payment of one thousand florins. Though he wrote from his dungeon, his situation did not relieve him from any responsibility, but was arraigned in the spring of 1830, with Mr Tielmans, a public functionary in the department of Foreign Affairs and the publisher of the *Courrier des Pays-Bas*, on the charge of an attempt to destroy the Government: his trial was protracted through the greater part of the month of April. The evidence on which these persons were convicted, was principally written documents. Though all the preliminary examinations were in secret, such was the popular sentiment in their favor, that it is not probable any conviction would have taken place, had juries in criminal cases been retained in the jurisprudence of the Netherlands. The sentence, however, of the tribunals condemned M. de Potter to eight and M. de Tielmans to seven years' banishment. It had, indeed, been at first intended to proceed against them for a capital offence.

The law on which the first prosecution against M. de Potter was carried on, was adopted for special purposes, about the epoch of

Napoleon's return from Elba, and was never intended for times of ordinary tranquillity. It was only by implication applicable to libels. This was admitted by the Ministry, who, indirectly censuring the existing enactments, proposed, early in the session of 1829, a new law on the press. But nothing was done towards remitting the sentences of those who had been convicted under the old system, including M. de Potter. This individual, against whom the Ministerial vengeance was principally directed, soon had, however, ample occasion to triumph over his former enemies, as will abundantly appear in the sequel.

Before the period of revenge, he, with Mr Tielmans and his other associates, were obliged, having appealed in vain to the Court of Cassation, to repair, in consequence of the sentence of April, 1830, to the mountains of Switzerland. From the territories of most of the Sovereigns of Europe, they were kept, by the fear, which generally prevailed, of the contagious effect of their revolutionary principles.

At the session of 1829, the King introduced into his annual message, the discussion of a question which had long been mooted between him and his legislature. We refer to Ministerial responsibility.

Sensible that the very moment it is recognised as a constitutional doctrine, that the King can do no wrong, he becomes a mere pageant. The Sovereign of the Netherlands had ever contended against the admission of the principle, and had, in violation of what in Eng-

land and France would be deemed the sacred rights of the legislature, repeatedly urged his Ministers to declare to the Chambers, that the measures under consideration had received the express approval of his Majesty. In the message alluded to, the King says: 'If we examine what is called ministerial responsibility, of which it is more difficult to determine the true sense than the real object; if we consider the principles of the fundamental law, which not only submits exclusively to our judgment and our decision all the regulations of the administration, but which likewise abandons to us the nature of the obligations which it pleases us to impose on the chiefs of the Departments, and which binds them to us by oaths, we think for the preservation of our political institutions, for the maintenance of the power which has been confided to us, for the lasting protection of the interests of our well beloved subjects, that we cannot listen to any other responsibility of our Ministers than to that which, besides their duty to us, has been determined for them by the fundamental and other existing laws; and in the constitutional existence of the council of State according to the principle, that it, and not the single chief of a ministerial department ought to be heard, we find not only the exclusion of the idea of ministerial responsibility, but we see in it, moreover, for the people of the Netherlands a still greater guarantee that their interests shall be suitably examined before anything is decided on.

'The introduction of the con-



templated ministerial responsibility, before the two Chambers of which the States General are composed and before the judicial power would transfer, contrary to the fundamental law, the exercise of the royal power into other hands without giving to the liberties of the people a new guarantee — a real guarantee; for whatever description of persons may be called on to judge the acts of the Ministers, salutary fruits cannot be collected from such a judgment, unless those to whom an account is to be rendered are placed without the ranks of the society, and consequently above the passions of the vulgar. The Netherlands do not in this respect resemble other countries, where it has been possible to introduce ministerial responsibility without inconvenience, and as an attendant on circumstances altogether foreign to those of this Kingdom.

It was in accordance with these principles, that by a decree rendered on 23d January, 1830, the Ministers were directed to take part in all the discussions of the central committees of the two Chambers, to give their views to them either verbally or in writing, and to report to the King in order that he might make such changes in the projects of laws, before they were decided on, as he might, under the circumstances, deem expedient.

In the session of 1830, Ministers were defeated on all points. Besides the financial discussions in which they were unsuccessful, they were obliged to withdraw the law on public instruction. The proposition of a new sedition act

as to the King and royal family, as well as the application of M. de Potter and his associates respecting the publication of their private correspondence, which had, on their trial, been placed in the custody of the courts of justice, brought up the subject of the liberty of the press. A new law on this agitating topic was passed, though not till the Ministers were obliged to make many alterations in it. The King in his concluding message observed that, 'By the maintenance of the liberty of the press your high mightinesses have united yourselves to the Government for the suppression of injustice and calumny, the impure union of which degrades and debases this constitutional means of propagating knowledge and favoring the diffusion of intelligence.

The decennial budget was ultimately passed, and the States General closed their ordinary session on the second of June.

The ensuing month, as is elsewhere recorded, was distinguished by a Revolution in France, leading to the expulsion of the older branch of the Bourbon family from the throne of that Kingdom.

On the 26th August, the example of the working-men of Paris was followed by the same class of persons at Brussels. The old Brabant flag was hoisted, and the people evinced their feelings by sacking the hotel of M. de Van Maanen and of others who had rendered themselves obnoxious to their indignation.

The demands of the Belgians, as first announced at Brussels, were the frank and sincere execution of the fundamental law, without restriction or interpretation in

favor of power, the removal of M. Van Maanen, a new electoral system established by law, or the more direct election by the people, the establishment of the jury, a new law respecting the organization of the judiciary, the penal responsibility of the Ministers to be established by law, a law to be enacted fixing the seat of the high court (which had been placed at the Hague) in the Southern Provinces, the cessation of the prosecutions against the liberal writers, the abrogation of all condemnations for political offences.

These reclamations were, however, soon followed by a proposition for the separation of Belgium from Holland. The Committee of Public Safety, formed 11th September, were specially charged — 1st, with securing the maintenance of the dynasty : 2d, maintaining the principle of the separation of the North from the South : 3d, to take the necessary measures for the interests of commerce, industry, and public order.

The States General met on 12th September: the King, in his address to them, thus noticed the recent revolutionary movements: 'In the midst of the greatest tranquillity and prosperity a revolt suddenly breaks out at Brussels, and this example is imitated in some other places. Confagurations and pillage marked these disorders, too afflicting for my heart, the nation, and humanity, for me to present the mournful picture of them to this assembly. The measures, so far as they depended on the Government to arrest the progress of the evil, to

protect the good citizens against the evil disposed and to avert from the Kingdom the scourge of civil war, have been adopted without delay.' He then intimates that a separation of the Provinces, which the constitution and fundamental law had united, might become necessary, and on the 13th the King proposed for the discussion of the Chambers the two following questions: First, whether experience has indicated the necessity of modifying the national institutions: Second, whether it is consistent with the general good to change what is established by treaties and the fundamental law between the two great divisions of the Kingdom.

The Deputies from Belgium, at first, appeared in the assembly; but they were insulted by the people of the Hague and ultimately withdrew.

The King determined to use force towards his refractory subjects; and on 21st of September a proclamation was issued from Antwerp by Prince Frederick for the occupation of Brussels, where a Provisional Government had been organized, consisting of Messrs. Vanderlinden, d'Hoogvorst, Ch. Rogier, Felix de Mérode, Juan Van Halen, a native of Spain, who had been distinguished for his remarkable escape from the Spanish Inquisition, and had served in the army of Russia, was placed at the head of the military force.

On the 22d September, Prince Frederick marched on Brussels. On the 24th, 25th, and 26th there was most terrible carnage in the streets; the houses, &c, were

several times taken and retaken. The Dutch army evacuated the Belgic capital on the 27th, having sustained a loss of 3000 out of the 9,500 men, who had taken part in the expedition.

On the 16th October, the Prince of Orange, who had been made Governor General of the Southern Provinces, acknowledged the independence of Belgium by a proclamation from Antwerp, in which he authorizes, even in those places where he still retained the ascendancy, the election of members to the national Congress. This attempt, however, of the heir apparent to put himself at the head of the revolution and thus retain in the royal family the most important portion of the Netherlands, the loss of which was menaced by the events then occurring, was without result.

The King, in his message, opening the States General of the Northern Provinces, on the 19th, expresses his surprise at the course pursued by his son, of which he seems not to have been apprized.

During the attack of the Prince Frederick, M. de Potter returned to Brussels, where he was received with triumphant marks of confidence. He was subsequently installed chief of the Provisional Government.

The further events in relation to the separation of Holland and Belgium, including the decision of the representatives at London of the Powers, who were parties to the organization of the Kingdom of the Netherlands, will properly fall within the scope of our next volume, in which it will also be our duty to detail the

measures connected with the establishment of Belgium as an independent sovereignty.

In closing our notice of the Netherlands, to which we shall never again be permitted to allude, as a united power, it may not be improper to make a few remarks respecting the King, who was destined to be the first and last Sovereign of this creation of the Holy Alliance.

William is probably the most virtuous Sovereign in Europe. His honesty is quite proverbial, and though he never gained the affection of the Belgians, they never refused to admit his integrity, and the goodness of his intentions. That he possessed a high order of intellect, or was equal to the arduous task of reconciling the opposite interests of the two divisions of his Kingdom, no one will pretend. His great faults were those of his nation, whose prejudices he seemed to have imbibed. A manifest preference was given to the Dutch in the public employments, and there was too evident an indisposition to countenance the Catholic religion, which was embraced by at least two thirds of the people. As an administrator, the King, even if he did not recognise the principle of the irresponsibility of the Sovereign, should have confined his attention to a general superintendence. Instead, however, of following that system, he entered into the minutest inquiries on the most unimportant matters; and it was said that no question occurring at a Custom House could be settled until the King had personally examined the point. The Sove-

reign of the Netherlands was distinguished for the readiness by which all classes of his subjects gained access to him; but so likewise is the Emperor of Austria; and in a constitutional King such qualities are perhaps rather defects than virtues. In his commercial operations the King seemed actuated by that love of trade in which the burghers of Amsterdam so much delight; and he was actually a partner in several joint stock companies, of which he was the originator.

In the recent decision of the controversy on the North Eastern boundary, referred to him by the United States and Great Britain, his Netherlands Majesty has, it is certain, fulfilled the expectations of neither party, but literally adopted the course which the enlightened negotiator, to whom the subject of a reference was once confided, feared might be adopted to our prejudice. He seems really, instead of taking strict principles of law for his guide, to have tried 'to put the difference.' To suppose, however, that even in this matter, even as it justly is to severe animadversion, the King

was actuated by the circumstances which had arisen subsequently to the reference, and which so sensibly affected the independence of his position, would be to disregard the reputation universally enjoyed by the unfortunate monarch. A knowledge of the character of the royal umpire would induce us to ascribe the error of his decision rather to the head than to the heart.

But it is certain that we owe no special gratitude to the King of the Netherlands. To say nothing of that monarch's refusal to accede to the commercial reciprocity, proffered by us to all nations, we cannot forget that our claims, growing out of the arbitrary measures dictated by Napoleon to the former Government of Holland, and which were clearly presented to view in the able correspondence of Mr A. H. Everett with Baron Nagels, never received that attention which they pre-eminently merited from a Sovereign, who of all others had reaped, though indirectly, the greatest advantages from the French usurpation.

## CHAPTER XX.

### THE PENINSULA.

*Spain.—Rumors.—Queen's Death.—Public Expectations.—Arrival of the new Queen.—Law of Succession.—Portugal.*

THERE is no country, whose domestic condition or its internal affairs are more misrepresented, than those of Spain. It is not merely that all the information, which we derive from the journals of Spain itself, is of a suspicious nature, as having been subjected to the examination of the local authorities before publication and having been so qualified as to meet their views, or at any rate prepared and printed by the journalist with the terrors of the police continually before his eyes. This cause of distrust attaches to intelligence derived from the Spanish gazettes, in common with those of other nations, which enjoy the blessing of an absolute government and a shackled press. Nor is it owing entirely to the jealous policy of the Spanish monarchy, which is so little disposed to court the scrutiny of foreigners, or even to admit of much examination on the part of its subjects themselves. Our current intelligence in regard to the affairs of Spain is generally derived from the French newspapers,

and consists of letters written, or purporting to be written, from persons in the Peninsula. These accounts are incorrect, exaggerated, and mendacious, to a degree of which those unacquainted with the fact can have no conception. The strange absurdities concerning the state of things in Spain, which made their appearance soon after the French revolution of July, were ~~the cause of~~ such downright falsehoods, affording a fair example of the sort to which we refer, and illustrating the difficulty of obtaining authentic information as to passing events in that country.

However, ~~the~~ <sup>the</sup> period of time, which our historical record embraces, was ~~one of~~ <sup>one of</sup> great tranquillity; and such periods are barren of matter for the pen of the annalist. It was not the less fruitful of rumors, got up for the amusement of the *cafés* of Paris, or for some other less innocent purpose. The earthquake, which filled with misery the district of Orihuela in the Kingdom of Murcia, was sufficiently appalling in itself, without

the aid of any artificial amplification. But when the news reached us filtered through the newspapers of Paris, it appeared that all Cadiz had been submerged, although pains were taken, it was added, to conceal the dreadful calamity, by which so many families in the Kingdom and so many abroad would incur loss and suffering, through the merchants collected from various regions in that rich commercial city. Not much more credit is due to the statements, so often repeated, of troubles in Catalonia, the standing theatre of insurrection for the manufacturers of the newest news. Indeed, if we except the acknowledgment of Don Miguel by Spain in October, 1829, hardly any political event has occurred to invite attention, except what relates to changes in the royal family.

The King of Spain lost his third consort on the 17th of May, 1829. Like her two predecessors she died suddenly, in the flower of her age, without children. A treaty of marriage was very soon after entered into between Ferdinand, and his niece Maria Cristina de Borbon, daughter of Francis, King of Naples, and half sister of the Duke de Berri, and at this time only three years of age. The large number of Spaniards, who are exiles in foreign lands, or, if not banished, yet are languishing at home as *impurificados*, or men laboring under civil disabilities on account of their opinions, conduct in political affairs, looked forward to the intended espousals as affording them a hope of restoration to

their country, of pardon, and of readmission to the career of distinction in public service. They anticipated an act of grace and indulgence as highly likely to accompany so auspicious an event, and as being, in fact, a natural ingredient of the rejoicings and public hilarity of the nation. They conceived, also, that they had some reason to expect this from the lively and amiable character of the new Queen, and her supposed indisposition to submit to the influence of the priesthood to the same extent with her predecessor, whose life was wholly given up to rigid ascetic observances.

In another important point of view, the anticipated marriage was connected with political subjects. The Infante Don Carlos, the eldest brother of Ferdinand and presumptive heir of the Crown, was, either in reality or in supposition, the rallying point of the apostolical party. Whatever defects of character Ferdinand may possess they are traits of weakness rather than of cruelty. The bitterness of political hostility has diffused very erroneous impressions in regard to this prince. Instead of being the fierce, bigoted, brutal tyrant, which some publications have represented him to be, he is unquestionably disposed to pursue as gentle a policy, in the management of his Kingdom, as the maintenance of his authority will admit. Nothing but the opposition of the Sovereign himself has prevented the re-establishment of the Holy Office in Spain. Since the occupation of the country by the French armies

in the reign of Louis XVIII., more disturbances and insurrections have arisen from the absolutists, eager to push the Government on to greater violence and intolerance, than from the persecuted friends of the Constitution. At the present time, it can hardly be affirmed that any liberal party exists among the Spaniards. The sword, the scaffold, exile, the dungeon, have done their work upon the unhappy Constitutionals, until few remain upon their native soil, bold enough to move in any scheme of reform or liberty. Their bravest and best have perished, or now waste their energies in the obscure sufferings of protracted banishment, in the heart-sickness of hope deferred; and what can be hoped from the disheartened and persecuted men, who have just escaped the worst punishment of unsuccessful rebellion? In Spain, therefore, there is no question except between more or less liberal members of the absolutist party, and it is to the former rather than the latter division that the wishes of the King are believed to lean, while Don Carlos favors the apostolical or ultra section of the enemies of free institutions. Of course, that portion of the Spanish nation, which deprecates the blind violence of the apostolicals, looks to the continuance of the sceptre, in the hands of Ferdinand as preferable to its transfer to Carlos, and has anxiously desired the birth of a Prince of the Asturias to give succession to the elder line.

In addition to these circumstances, so much calculated to attach interest to the arrival of

Maria Cristina in Spain, it is to be observed that her parents, the King and Queen of the Two Sicilies, the latter herself an Infanta of Spain, were to accompany the new Queen to Madrid. They came from Naples by the South of France, and crossing the Pyrenees, proceeded through Barcelona and Valencia to Madrid. Catalonia was ruled at this time with a rod of iron by the Conde de Espana, Captain General of the province, and one of the sternest agents of absolutism in Spain. The numerous individuals in Barcelona, who suffered on account of opinions, crowded around the path of the young Queen, to swell her welcome with their acclamations, promising themselves her aid in making their peace with the King. Similar gratulation attended her in other parts of her progress onwards, and on her arrival in the court of Madrid itself, — her entire journey being one long uninterrupted ovation. The *impurificados* continued to the last to hope and expect the most agreeable results from the marriage, although without any very specific grounds of encouragement.

The Queen reached Aranjuez on the 6th of December. She was received there by the Infantes, Don Carlos and Don Francisco, the former of whom had authority to enter into the contract of marriage as proxy for the King. On the 11th she entered Madrid, amid all the rejoicings so peculiar to the Spanish people. The King and Queen of Naples and their daughter were attended by a brilliant cortège of the public authorities and troops from the

gate of Atocha, by which they entered Madrid, to the Palace at the other extremity of the city. Ferdinand and his two brothers rode on horseback by the side of the coach which contained the young Queen, with the *manolos* of Madrid dancing the fantastic *mogiganga* before them through the principal streets, every house being ornamented with brilliant hangings suspended from the balconies, and every avenue and window full of the multitudes of admiring spectators. The contract of marriage was subscribed by the royal parties in person that evening, and the next day the religious ceremony of the *velación* was solemnized in the convent of Atocha. Splendid illuminations, with ball fights and theatrical representations prepared for the occasion, completed the rejoicings of the inhabitants of Madrid.

Meanwhile no act of amnesia made its appearance. The Duque de Frías and some other principal grandees who had been living under a general distrust on account of their liberal opinions, expressed on this occasion to offer their congratulations to propitiate the favor of the King. It appeared that Ferdinand had proposed that the healing power which the popular imagination had ascribed to him should be put to a test. He countenanced the public expectations by an unequivocal emphasis on himself. He had been a remarkable and successful soldier, and was the every day object of admiration on the part of the people of the Constitution and had been

since frowned upon by the Court, to write an epithalamium, and liberally recompensed the poet for his performance. But the representations of Senor Calomarde, the Minister of Grace and Justice and all powerful delegate of the apostolical party in the Cabinet, overcame the better intentions of the King, and prevented his recovering the forfeited title of *amado Fernando*, which the way of independence had consecrated. Only a few scanty favors were dealt out to individuals, who like the Conde de Cartagena, Don Pablo Morillo, bore the stigma of royal reprobation after having served their country but too faithfully and zealously.

The King and Queen of Naples continued in Spain during part of the winter of 1829 and 1830, partaking of the festivities of the court of Madrid, after which they returned home again by the way of France. If the treasure expended in this costly royal progress had been appropriated towards the payment of certain of the just debts of Naples, which she has so long pleaded poverty as an excuse for not discharging, it would have spoken better for the justice and honesty of King Francis.

The promise of offspring by his Queen was hailed by Ferdinand with peculiar joy, in consideration of the long disappointment of his wishes in this respect. He took occasion from this circumstance to review the ancient constitution of the Spanish monarchy in regard to succession. When Philip of Anjou became King of Spain, among other violent changes



in the institutions of the country, he saw fit to introduce the Salic law of his own family, in derogation of the rules of descent which had elevated himself to the throne, and which had always obtained in the States of Castille. In anticipation of the possibility that the unborn infant might prove a daughter, and that no male offspring might be granted to his prayers, Ferdinand, in the plenitude of the legislative authority of absolutism, repealed the Salic law of Philip V. and restored the rules of succession of the Gothic and Austrian lines, which devolve the descent upon female, in default of male heirs. The result justified the forethought of the King, as the child proved to be a daughter, who now therefore has claims to the Crown adverse to those of Don Carlos.

We defer to another year the history of events in Portugal. They chiefly consist of the tyrannical vagaries of the usurper Miguel, who, although acknowledged during the year by Spain and the United States, did not obtain the countenance of the great powers

generally. Much speculation was occasioned abroad by the fact of the recognition of Don Miguel by the United States. These things depend so entirely in Europe upon selfish considerations of family, or artificial combinations to preserve the balance of power, or a blind submission of all other questions to the single one of legitimacy or constitutionalism, that no stable or consistent principle of recognition there prevails. Hence it is that Europeans are slow to comprehend the principle, which lies at the foundation of our foreign intercourse, of holding friendly relations with every other established government, without regarding the casuistical points of right, which the government may put forward to justify its own existence. It is sufficient for us *as a government*, to know that the sceptre of Miguel is received by the Portuguese themselves. As men and Christians, we trust no European will stand us in reprobation of his character and conduct, or in such a manner that better rulers and better times may be seen for another Portugal.

## CHAPTER XXI.

### ENGLAND.

*Retrospective View of the Settlement of the Church Question in 1829.*

— *Its Consequences* — *Its essential connection with other projects of Reform, especially of the Representation of the House of Commons.* — *Meeting of Parliament, February, 1830.* — *Debates on the Addresses in answer to the Speech from the Throne.* — *Universal Distress of the Country.* — *Amendments to the Addresses proposed; rejected.* — *Amendment moved by Lord King.* — *Reduction and Substitution of Taxes.* — *Parliamentary Reform.* — *Affairs of India.* — *Foreign Affairs.* — *Greece.* — *Portugal.* — *Death of George IV.* — *Notices of his Life and Character.* — *Accession of William IV.* — *Notices of his previous Life.* — *Dissolution of Parliament.* — *Meeting of the new Parliament.* — *Declaration of the Duke of Wellington against Parliamentary Reform.* — *Threatened Riots in London.* — *Postponement of the Royal Banquet on Lord Mayor's Day.* — *Civil List.* — *Motion for Inquiry carried against the Ministers.* — *They resign.* — *New Ministry.* — *Earl Grey Premier.* — *Reform.* — *Riots and Disturbances in the Country.*

THE most prominent event of the year 1830 was the history of Great Britain, the Revolution, for so it may be designated, in which the establishment of the Church of England, the Revolution of 1688, and the subsequent acts of Parliament for the settlement of the Church, the Protestant religion, and the incorporation of the dissenting constitution of the Church, and the success of the Crown, but the establishment of almost all political rights of individuals was excluded, and the result to sectarianism, the Church of England, the King, of the Church, and the whole nation, the heavily taxed for the support of ecclesiastical institutions of those denominations, all other religions,

and even Christianity itself in any other than these privileged forms of worship were not only excluded from all countenance and support, but prohibited by penalties, persecuted by disabilities, or at best partially exempted from proscriptions, from oppressive and insolent persecution. Since their civil war of the 17th century, the British nation, mistaking the expulsion of tyrants for the establishment of liberty, had fancied themselves free, and had accustomed themselves to the pride of freedom. They had cast off the spiritual dominion of the Church of Rome, and the hereditary misrule of the Stuarts. But in breaking their own fetters they had riveted them upon others. For a tyrannical Church of Rome they had only

substituted a tyrannical Church of England. The Protestant reformation had so far prevailed among the people in the island of Great Britain, that the adherents to the Romish faith were there left in a small minority; but the combined rigor of Church and State weighed with equal severity upon large bodies of dissenters from the legal establishment; and in Ireland, where a great majority of the people had retained their allegiance to the Pope, and their devotion to the Catholic creeds, the British laws for the establishment of the Protestant faith and the maintenance of the Protestant succession, were engines not of freedom but of the most odious oppression.

During a long series of years there had been a succession of struggles by the sufferers under this tyranny, assisted by the more disinterested efforts of the friends of civil and religious liberty, to cast off this galling yoke, and to recover the natural right of worshipping God according to the dictates of their own consciences. The greatest of all the obstacles in their way was that the maintenance exclusively of the Church of England and of the Kirk of Scotland had been incorporated in the coronation oath of the British King. In the deeply conscientious mind of George the Third, the question of Catholic emancipation was not a question of political expediency, nor of toleration, nor of justice, but of fidelity to his oath. He did not permit himself to examine or investigate argument from any other consideration. He adhered inflexibly to what he had sworn — and how-

ever erroneous we may deem the principle to be, which had thus made religious intolerance a fundamental law of the realm, we cannot withhold the tribute of respect from the motive of the scruple which never ceased to sway the determination of the King. At the time when the separate political existence of Ireland was merged in her union with Great Britain, when Mr Pitt, who had been nearly twenty years at the head of a successful administration, and had enjoyed during that long period the most unbounded royal favor, had pledged himself to obtain from Parliament the revocation of the Catholic disabilities, this impracticability of the King, not only disabled Mr Pitt from the performance of his engagement, but brought his administration itself to a sudden and unexpected close. Several years after, and subsequent to the decease of Mr Pitt, the same King had abruptly dismissed another administration, for merely proposing to bring forward the project of Catholic emancipation in Parliament, and for the formation of a Ministry to supply their places had made it an express condition that they should never bring forward this obnoxious measure in Parliament, nor even make mention of it. His successor, George the Fourth, inherited the scruples of his father, but not his stubbornness of adherence to them. Until the last year of his life, he had resisted by all the influence that he possessed, the introduction and progress of any plan for admitting the Catholics to the equal enjoyment of civil and political rights. Even so late as

1825, the Duke of York, then heir presumptive to the Crown, had in a solemn asseveration before God, declared that he never would give his assent to any such measure, and had attributed the heaviest of the calamities which had befallen his father to the distress of mind occasioned by the importunities with which he had been pressed on this subject. The Duke of Wellington, Prime Minister, and Mr. Peel, the leader of the administration in the House of Commons, had been among the most strenuous opposers of concession to the Catholics, and their services in the cause of exclusion as applied to the character, had been among the most conspicuous means by which they had risen to power. To the great surprise of all distant observers, to the utter indignation and dismay of all the Tories of Great Britain, it was under the auspices of the Duke of Wellington and Mr. Peel that the emancipation of the Catholics was to obtain the sanction of Parliament and of the King.

It was remarked in the first volume of this work that the innovation upon the constitution of the British Islands could scarcely fail to be speedily followed by others of more intrinsic importance, at least to Great Britain. The sinecures of the Church of England, taxation by tythes, and the various privileges of the aristocracy connected with them, were believed to be the defects in the political institutions of that nation, the first to feel the consequences of that introduction to reform which consisted in the ad-

mission of other modes of faith to a participation in the privileges, till then exclusively reserved to the religion of the State. The march of public opinion however took a different and more decisive direction. It struck at once at the root of all the public abuses and inveterate diseases of the Government, and applied all its energies invigorated by the long contested and hardly won victory over religious prejudices, to the reform of the national representation in the House of Commons.

The House of Commons was an imperfect representation of the people, — imperfect even in its original constitution, — still more imperfect by the abuses which in a succession of ages had crept into its composition. In former ages it had sometimes effectually controlled the arbitrary authority of the Kings, and had once abolished the monarchy itself, and the aristocracy by which it was supported. Since the accession of the Hanoverian dynasty, and the virtual extinction of the Stuarts, the House of Commons had been gradually rendered subservient to the royal authority by means of influence upon the individual interests of the members. This form of Government had been worked up into a system, chiefly by Sir Robert Walpole. It was in its origin accommodated to the government of a party; the septennial act, the principal foundation of the system, having been emphatically and exclusively a Whig measure. In process of time, as the danger of a second restoration of the Stuarts gradually subsided and the nation had time

to reflect upon the practical system of the Whigs, they became discontented with the result. They saw that corruption had been substituted for divine right, as the mainspring of the Government; and tracing the evil to its source, they perceived that it originated in the House of Commons itself. This dissatisfaction first began to be manifested in the early part of the reign of George the Third. It was denounced in Burgh's political disquisitions, in which detailed statements were exhibited of the two classes of boroughs—nominated close and open; in the first of which the elective franchise had degenerated into mere personal property; and in the second was confined to a very small number of dependent or indigent individuals who notoriously were in the practice of selling their suffrages to the highest bidder.

Sull, however, the House of Commons was a representation of the people—it was endeared to the nation, as the body by whose agency the liberties of the people had been redeemed, maintained and preserved. The call for reform in the composition of the House was identified with the opposition, to the measures which had produced the American Revolution. It was afterwards identified with the principles of the French Revolution; and as that movement of national renovation declined from the popular features of its origin, back to the hideous alliance of military despotism with hereditary monarchy, the theories of reform in the House of Commons declined with

it. The most distinguished leaders of the British nation, in the Cabinet and in the field, against the conquering career of Napoleon were at the same time the chief defenders of the Constitution as it was, and the most determined antagonists of innovation. Parliamentary reform became synonymous with Jacobinism, and the system of rotten boroughs and virtual representation became interwoven with all the victories of Wellington, and with all the eloquence of Canning.

Among the grotesque figures of a masquerade, we remember to have once seen a mask dressed on outside in a full suit of embroidered court clothes, with bag wig, side curls, point lace ruffles, sword, buckles and white silk stocking, and on the other with cropped head, frock coat, putaloons and boots. It was a perfect image of the political character of George Canning. His birth, education, temper and genius were all of this heterogeneous character, half legitimate and half spurious, ultra-royalist on one side, ultra-jacobin on the other. From the semi-democratic Eaton School, he had been transferred to the half-jacobitism of Oxford University, and at each of those semesters had imbibed a large portion of the spirit belonging to each, and the composition had formed in his mind a substance combustible and explosive like the mixture of nitre and sulphur. A disciple in political philosophy of Edmund Burke, and in practical politics of William Pitt, he was not gifted with the all-comprehensive intellect of

the former, nor with the lofty independence or instinctive good sense of the latter. The tendencies of all his negotiations were always to hostile issues. He had no spirit for compromise — no temper for conciliation. The summit of his ambition — the very empyreum of his imagination, as he himself declared, was to pass with the world and with posterity for a *British Minister*; and when the fancy took him, as it once did, of creating worlds, it was merely to lay them at the feet of the fast-anchored Isle.

This mixture of motives and principles in the mind of Mr Canning produced corresponding incongruities in his political system. Thus as a disciple of William Pitt he was a warm partisan for the emancipation of the Catholics, while as a full charged anti-jacobin he was an inveterate and determined antagonist of Parliamentary reform. William Pitt was not chargeable with this glaring inconsistency. He was for Catholic emancipation; he was for a reform in the House of Commons; and he had the sagacity to perceive, and the candor to acknowledge that these two measures flowed from one great elementary article of the rights of man, and that it was impossible upon any coherent system of political morals to be at the same time in favor of one of these measures, and in opposition to the other.

They were both measures always before the tribunal of public opinion, and often debated vehemently in Parliament during the whole political life of Mr Canning. He had often borne his part in ma-

turing the successful progress of the one and in arresting that of the other. Neither of them was destined however to be brought to its final issue in his lifetime.

He was scarcely cold in his grave when the Catholic question was settled, in conformity with his opinions, by the very men who had contested it against him to the last hour of his life. The Duke of Wellington and Mr Peel had at least been consistent in their policy. They had inflexibly resisted all idea of concession to the Catholics. They had been equally tenacious in their adhesion to the ancient Constitution of the House of Commons. They were averse to reform in all its shapes. But no sooner was Mr Canning dead — no sooner were they placed in stations where all the responsibilities of persevering in the rigors of superannuated intolerance rested entirely upon themselves, than they veered about like the change of wind from north to south in the midst of a hurricane, and swept away at a single brush all the Catholic disabilities, which it had been the labor of their lives to sustain.

The removal of these disabilities was perfectly just and proper in itself, but it opened a deadly breach in the Tory system of policy. All the strongest arguments against the admission of Catholics to the enjoyment of political rights, were also arguments against Parliamentary reform. By yielding to the Catholics the right of representation, the same right was virtually conceded to all others debarred from the exercise of the same franchise by other causes

inconsistent with the principle of equal rights. The Duke of Wellington and Mr Peel, by surrendering the argument against Catholic emancipation, virtually surrendered the argument against reform. They took from the Tories the very citadel of their system; and by yielding to the Catholic claims and still holding out against reform, they totally lost the confidence of one party, without acquiring that of the other. They were destined to feel the consequences of this half-faced fellowship, in deep humiliation.

At the meeting of Parliament on the 4th of February, 1830, indications of the loss of popularity by the administration were very early disclosed. The speech from the throne announced the termination of the war between Russia and the Ottoman Porte. It lamented the continued differences between the family of the Braganza, and the inability of the British Government to renew its diplomatic relations with Portugal. It announced a considerable reduction in the public expenditure and a diminution of the revenue. It declared the King's intention to submit to Parliament some measures calculated to facilitate and expedite the course of justice in the different parts of the United Kingdom, and others preliminary to a revision of the practice and proceedings of the superior courts. It stated that the export of British produce and manufactures in the preceding year had exceeded that of any year before; but lamented that notwithstanding this indication of active commerce,

*distress* should prevail among the agricultural and manufacturing classes in *some* parts of the United Kingdom.

The principal debates which ensued in both Houses of Parliament turned on the discussion of questions whether *distress*, which the speech acknowledged as prevailing in *some* parts of the Kingdom, was or was not in fact prevalent in *all* parts, as was contended by the opposition. The representatives of the agricultural, commercial, navigating and manufacturing interests concurred but in one general voice of complaint. The farmers had no market for their produce, and consequently no means for the payment of their rents. Whatever profits they might have realized even where a market was found, were absorbed by oppressive poor's rates. Commercial business had fallen off proportionably — capital could find no employment — profits dwindled to nothing; and bankruptcies multiplied. Grieved from all quarters of England, the Chancellor of the Exchequer claimed an exception where no one would have dreamt to look for it, in *Ireland*, which the Irish members by no means confirmed. The Minister had perhaps flattered himself that the admission of political enfranchisement to the Catholics had been taken as a substitute for bread, but his error was quickly rectified by Mr O'Connell, who exemplified the prosperity of Ireland by the statement that in the city of Dublin alone not less than seven thousand registered paupers subsisted upon the luxurious charitable contribu-

tion of three half-pence each, a day, and that the condition of the farmers and laborers in the provinces, corresponded accurately with this state of destitution. That the rents were often paid from the capital of the farmer in place of profits; and not unfrequently by the blanket and potato-pot, the solitary remnants of capital unconsumed.

An amendment was proposed in both Houses to the echoing address in answer to the speech—but without success in either. The fact of universal distress was sufficiently demonstrated; but with regard to its causes, and the remedies to be provided for it there was the concert of opinions. There is in truth but one cause always operating in Great Britain to produce distress, and that is the enormous burden of the national debt. Tithes and Poor Laws are but aggravations of the same. There is a condition of existence in all human societies, embracing the great mass of the population of men, who are industrious but effectively enabled them to subsist and maintain their families above absolute want, but without amassing property. Levy on this class of men, heavy contributions by taxation, and you drive them down to a subsistence below the level of absolute necessity. The laws of England then require that the deficiency should be supplied by taxation of their employers. They come upon the parish. The class immediately above them descend to the lowest rank of independent self-supporters, and these in turn are crowded down into the condition

of paupers. This process has been constantly and very regularly going on for nearly a century; that is, from the time when the taxation to defray the interest of the national debt first became excessive. The increase of the debt and the multiplication of paupers have advanced with equal acceleration, hand in hand, till the proportion of poor, supported by the parish has become about one sixth of the whole population. This is about the same proportion as that of slaves to the whole population of these United States.

The amendment of the Address, which pledged Parliament to an inquiry into the state of the country, was moved in the House of Peers by Lord King, and in a few of its first sentences evidently intimating that this cause of the national distress was not unknown to him. It said, 'That after fifteen years of uninterrupted peace, this House laments that the general condition of the people is not materially improved, nor the prosperity of the country perceptibly increased. That on the contrary, the landed and manufacturing interests as well as the traders and the laboring classes of every description, have frequently been afflicted, and will continue to be weighed down by severe distress. That it is the duty of Parliament to examine into the causes which have produced these distresses, and to remove, so far as possible the impediments which retard the progress of the national prosperity.'

'That the necessities of life, and the materials of agriculture are made dear by taxation and regulation. By these means too



much is taken from the industrious classes, and in many instances too much is given to the privileged classes of society.

‘That it is a grievous aggravation of the public burdens, in addition to near fifty millions of taxes, deemed necessary for the public service, still further to suffer enormous sums to be extorted from the people by the intolerable monopolies of corn, beer, sugar and teas, and of other articles established for the private benefit of powerful and favored classes at the expense of the great body of consumers and of the public good.

‘By these monopolies, the cost of the first necessities of life is enhanced, the rate of profit in the trades is diminished, capital is driven abroad to seek a more profitable employment, and the productive powers of the national industry greatly reduced.’

The amendment then proceeded into more detailed observations upon the several monopolies of corn, beer and malt, sugar and tea, all in the present condition of the world and all in various modes subjected to the heavy load of taxation to pay the interest of the debt. The monopolies being all the effect of taxation, and by increasing the prices of the articles monopolized, redoubling taxation again. It concluded thus: ‘That it appears that these gigantic monopolies super-added to the heavy load of taxation, have impoverished the country, and produced the public distress. That all prohibitions and restrictions imposed for the benefit of particular classes or compa-

nies, for the purpose of producing artificial high prices are no less impolitic than unjust. That our own exclusion from the great market of the world, and the cessation of the demand at home are the necessary consequences of our own measures; because it is the nature of things that a nation, which refuses to buy the productions of other countries, cannot sell its own.

‘That we can only expect to derive permanent relief from our distresses and impoverishment in our condition from the strictest economy in every branch of the public expenditure; from the abolition of all exclusive privileges and monopolies; from an unrestricted supply of the first necessities of life, and of the materials of manufacture; and from a real free trade, by which the whole community as consumers will be greatly benefited. — the laboring classes enabled to procure a fair reward, — the capitalists to augment those funds by which all labor is supported, — and the efficiency of the British industry fully permitted to produce its natural result in enriching the country, and thus to restore and secure the public prosperity.

This motion was a Parliamentary inquiry as to what one of a corresponding nature in the House of Commons, stated by overwhelming majorities. The subject of the national distress however could not be excluded from the Halls of Parliament by ministerial votes. It was reproduced by numerous petitions from every part of the Kingdom, picturing in all the varieties of forms

the wretchedness of the people. More than fifty of those petitions came from the single county of Kent, which, adjoining upon the immense metropolis of the island, has advantages from its proximity to that focus of population, which cannot be enjoyed by the remoter counties. Yet so intense was the misery which they exhibited in open day, that it was scarcely more visibly disclosed by the glare of the midnight conflagrations, which soon afterwards illuminated the same county. From Bedfordshire there came statements that the wages of the laborers gave them barely the means of procuring a cheerless existence, deprived of all the comforts and almost all the necessaries of life; and that there were parishes in the county, purely agricultural, with from fifty to ninety able-bodied men, destitute of other work, employed by the parishes and receiving four shillings a week. From Berkshire the same complaints, with allegations that the wages of persons were in some places as low as two shillings and eight pence a week. From Buckinghamshire it was averred that many persons committed depredations and misdemeanors to get into prison; thus to preserve themselves from lingering starvation. They had contracted disorders, eating the flesh of animals that died naturally, and other unhealthy food; that their health suffers for want of fuel; and that when they apply to the parish they are charged with insolence, because they cannot starve and be contented. The representation from Cambridgeshire

was, that the laborers cast upon the parish funds, congregated on roads, in gravel-pits, with their spirits broken, constantly repining at their hard condition, and inciting each other to vicious courses, while their employers are regarded as task-masters, and the ties of attachment to the land of their birth became gradually torn asunder. From Cumberland that the distress with equal pressure weighs down, the landholder and manufacturer, the ship-owner and the miner, the employer and the laborer. From the county of Derby the magistrates, landholders and clergy represented its state as deplorable. Rents reduced and in arrear — tenants removed; laborers unemployed and farms thrown out of cultivation. From Lincoln a petition, signed by seven thousand five hundred names, declared that, 'Unless the present urgent distress be speedily relieved it must produce disastrous consequences, hazardous to the peace and safety of the nation at large.' A petition from the parish of Reuham, in Suffolk, stated that the poor rates have been progressively increasing for some years, and that the petitioners are seriously afraid that sufferings so severe, although they have been hitherto borne with exemplary patience, will end in general riot and confusion. A petition from the freeholders, farmers and others of Croydon, in Surrey, avows that the petitioners 'can no longer endure to see their fellow-countrymen, who are born to the lot of laborers, starving under their eyes; that they shudder under the reflection

that without some timely aid, such will soon be their lot.' In presenting a petition from Frome in Somersetshire, the Bishop of Bath and Wells said, 'I have been a witness to the most afflicting distress, and which I could not if I would describe. I have seen with my own eyes, multitudes who could obtain no work and were starving; others, yoked together like oxen, drawing coals from the pits in the neighborhood.' From Essex, from Norfolk, from Hampshire, from Herefordshire, in short from every county of England, the same melancholy note of desperation was re-echoed, foreboding the disasters which afterwards ensued, while the Peers and Commoners of Britain were debating whether this complicated and universal scene of human misery was caused by an imperfect system of banking, by the restoration of payments in gold and silver in the place of depreciated paper, by the improvements of machinery, by the redundancy of population, or by the unequal distribution of wealth. The Duke of Wellington thought the distress of the manufacturers was owing to an excessive production of articles beyond what the country could consume, or foreigners purchase. That the successful application of machinery and steam to increase the efficiency of labor had enabled the manufacturer to dispense with hand labor, and not only glutted the market with goods, but deprived the workmen of their employment. That the manufactures of England exported to foreign markets came there into compe-

tition with the productions of cheap labor, and must be governed by their prices. There was one statement by the Premier which accounts for distresses and discontents far beyond the bounds of the British Islands. He showed that raw cotton sold in 1814 at two shillings and sixpence per pound, and in 1829 for sixpence. This fact, and not the American system or the tariff is the parent of the whole nullification doctrines of South Carolina. Here is a depreciation of four fifths of the value of the staple article of agricultural produce in South Carolina. This is the magician which has converted the definition of an impost duty into a tax upon exports, and rendered unconstitutional the very purpose for which the Constitution was framed by the Convention of 1787, and adopted by the people. But in the operation of this fact upon the condition of the United States, as in that of the national debt in Great Britain, there is a single primary cause of all the distresses which spread over the agricultural and all other interests. In Britain it is taxation to pay the public debt. In America it is slavery. In countries where the operative tillers of the ground are freemen, depreciation of the raw material of manufacture rather increases than diminishes the amount of consumption. The laborer obtains less for the article which he produces — he has more of it for his own use. But in the tillage of the ground where the labor of the slave is the property of the master, the slave must be maintained at the charge of the master. Depreciation of

the product leaves the burden of maintaining the produce little if at all diminished. The slave himself becomes an insupportable charge, and the plantation goes to ruin. But as prejudice and passion seldom attribute their disasters to their true causes, they are ever on the search for such as flatter them; and thus the planter works himself up into the faith, that an impost upon iron in America knocks down the price of his short staple cotton at Liverpool, and that a road in Illinois, or a canal at Louisville, make the charge of maintaining his negroes consume four times over all the profits of his plantation, as the British statesman seeks for the cause of famine stalking over the land, in the power of steam, the multiplication of manufacturing machinery, and the restoration of cash payments by the bank.

After the consumption of many weeks in these unprofitable debates, the motions for parliamentary inquiry were rejected in both houses by ministerial majorities of four or five to one.

The administration, however, found it indispensable to propose measures tending to relieve the distress proved to be so universal and so severe. Their most essential proposal was a reduction of the duties on sugar, leather and cider. Tobacco alone amounted to five millions sterling, a sum equal to more than half the annual revenue of the United States; but an alleviation scarcely perceptible to the taxation of the people of Great Britain.

Of the other measures discuss-

ed in Parliament during this session, the bill introduced by Mr Brougham for the establishment of County Courts was preceded by an elaborate and celebrated speech, but the consideration of the bill was postponed to another session. Sir Robert Peel introduced a bill to consolidate and mitigate the statutes of forgery, in which an attempt was made to reduce this from a capital crime to an offence punishable by transportation. An amendment conformable to this principle was successful in the House of Commons, but was rejected by the Lords.

The sanguinary character of the criminal law in England, has long been a theme of just and severe reproach upon the government of that island. There is no part of the code of public morality which has been so much improved within the last century, as that which graduates the proportions between crimes and punishments. 'It is a melancholy truth,' says Blackstone in his Commentaries, 'that among the variety of actions which men are daily liable to commit, no less than one hundred and sixty have been declared by act of Parliament to be felonies without benefit of clergy; or in other words, to be worthy of instant death.' This list has been since the publication of the Commentaries much reduced; but forgery has been one of the crimes which has the longest withstood the progress of reformation.—It is, indeed, a crime of deep malignity—a crime of deliberation—a crime requiring for its commission ingenuity and skill. Against the commission of this crime, so-

ciety cannot be guarded so effectually as against many others; — it is perpetrated in secrecy, screening it from detection, and its consequences are more extensively felt than those of most other outrages upon the rights of persons or of property. George III. had been educated in the belief that it was the most atrocious of crimes, and although in several cases he extended his royal mercy to criminals guilty of murder, not a single instance occurred throughout his long reign of his granting a pardon for forgery. This rigor was not stimulated by anything of an unrelenting propensity in his nature; but, by an erroneous estimate of the comparative atrociousness and danger of the crime. In this opinion he was sustained that of the public, which no longer the same. This is sufficiently indicated by the vote in the House of Commons for repealing, as applicable to this crime, the punishment of death.

The revolution in the public opinion favorable to parliamentary reform, which had been silently taking place since the settlement of the Catholic question, was so far from having penetrated into Parliament, that the reformers were at this session unable to procure for Birmingham, or any other large town, the franchise which the borough of East Redford had forfeited, and that after two years of discussion, it was only extended into the hundred to which the borough belonged. — For other principles were soon to prevail.

In the parliamentary discussions upon the foreign affairs of Great

Britain, the same results were displayed of measures dictated by incongruity of political system — the point of the political epigrams of George Canning. — In Spain he had suffered the revolutionists and constitution-makers to be put down by a French army, under the Duke d'Angoulême; in Portugal, he had patronized a constitutional government, and sent an English army to Lisbon to maintain it — though, at the same time, the army were under positive orders to take no part in the internal dissensions of Portugal. Don Miguel, who for a conspiracy against his father's crown and life, had passed several years in exile at Vienna, returned to Lisbon under the protection and patronage of Great Britain. She was a party to the treaty by virtue of which he returned. — He had taken England on his way; and there had been treated by the British government with the highest distinction. He was escorted to the Tagus by an English squadron; was received at Lisbon by the English ambassador; swore to the charter, at the suggestion of the English government: and was protected in his capital by English troops. The constitutional party could not doubt that they would be guaranteed against any design of usurpation on his part; yet within a very short time after his arrival, he threw off the mask, put down the Charter and the Cortes, and instead of the regency to which he had been sworn, ascended the throne as of his own right; convoked an assembly of his own partisans, proclaimed his absolute right to the crown, and reigned

as legitimate a tyrant as any one of his brethren in Europe. — To all this the cold-blooded policy of Mr Canning manifested a perfect indifference. The counter-revolution was in truth effected with the countenance of the British army. Don Miguel was not formally acknowledged as king of Portugal; but his blockades were recognised as legal, and the fugitives from the proscriptions of the usurper were treated by the British government with every possible indignity.

Their policy with regard to the affairs of Greece was equally selfish, contracted, and absurd. In the communities of civilized christian nations, no truly great statesman can adopt, without pernicious consequences and gross injustice, the principle of adapting all his measures to the exclusive benefit and advantage of his own country. This was the elementary error of Mr Canning and of Mr Huskisson, his ablest associate. One of the greatest blessings to mankind derived from the substitution of the Christian for the Mosaic dispensation, was the extension by Christianity to all mankind of the blessings conferred by the Mosaic Law to one peculiar people. The characteristic of the Hebrew Law was the exclusive enjoyment of the favor of heaven by one family of men, and the perversion of excess had the principle been carried about the time when all the avenues of divine beneficence had been opened to the Gentiles by the gospel, that the great Roman moral satirist of the age declares, that a Jew in his time would not show an inquiring tra-

veller his way, or help him to a cup of cold water, unless he was circumcised.

Non monstrare vias eadem nisi sacra colenti:  
Quosdam ad fontem solos deducere verpos:  
Juvenal Sat. 14, v. 103.

It was by the same contraction of elementary principle that Mr Canning proclaimed the object of his ambition to be the acquisition of the renown of being a British statesman, and that Mr Huskisson repeatedly avowed in Parliament the object of his policy to consist in promoting the prosperity of Great Britain, and in co-operating that of her commercial rivals. For the personal popularity of the minister at home this system may be more effective than one of more liberal expansion; but it will always lead to injustice, and often to defeat and disappointment. Thus in the affairs of Greece, as in those of Portugal, the Duke of Wellington, like Mr Canning and Mr Huskisson, must be nothing but a British statesman. The result of which in Portugal was as we have seen. What was it in Greece? The attempt to impose upon a people who had passed through a furnace more fiery than that of Nebuchadnezzar, to establish their freedom, a king ignorant of their language, a heretic to their religion, a total stranger to their country, never having shared in their afflictions, never having rendered them an hour of service, — a king from the principality of Saxe-Coburg in Germany to rule over the inhabitants upon the field of Marathon, and perchance to defend again the passes of Thermopylae; — and this king was to be thus imposed upon this people

because he had been the husband of the princess Charlotte, and received from the British treasury a pension of fifty thousand pounds sterling a year. There was nothing, absolutely nothing else in the character or circumstances of the Prince to recommend him to the Greek nation for their sovereign.

Under the same impulsion to signalize himself as a British statesman, the Duke of Wellington, who had debominated the victory at Navarino an untoward event when the battle for Greece was fought — when by their own unparalleled exertions, sufferings and sacrifices, aided by the victories and subsidies of Russia, and even by the ostensible demonstrations of a French army upon their territories, they had wrought out their salvation, and had their independence secured by the treaty of Adrianople — interposed to curtail the dimensions of the Greek territories by excluding from them the island of Candia, and by narrowing to its smallest extent their northern boundary line. The Prince of Coburg himself had finally the good sense to perceive that he was not the person suited to be the king of Greece, and he would have saved himself some mortification, to say nothing worse, if he had availed himself of that discovery to inquire more critically into his qualifications for king of Belgium, to which the British statesmen have at last promoted him.

In the midst of this session of Parliament, and while they were wasting much time in debates upon all these subjects, at three o'clock in the morning of Saturday the 26th of June, died, the

King, George the Fourth, in the tenth year of his reign. As Regent however he had been for a nearly equal period of time, the executive head of the kingdom, before his accession to the throne. Never in the history of the British Islands has there been a time when their people were more prosperous as the world estimates prosperity: never a time when their Government performed so commanding a part in the affairs of Europe; and never a time when the personal character and active operation of their King were so absolute and unqualified a nullity, as while the whole political movement of the nation was propelled and directed by his sign-manual. His health had been declining from the beginning of the year. About the 15th of April the first of a series of bulletins was issued, announcing that he had suffered a bilious attack with an embarrassment in breathing. About the middle of May he became unable to affix his signature to the public papers, and an act of Parliament was passed appointing a Commission to affix it by stamp to all acts requiring the sign-manual. Had such an act passed on his first accession to the royal authority, the history of England, save in that single incident would have been precisely what it is. His disorder continued to increase in aggravation till violent cough with expectoration supervened. The day before his decease it occasioned the rupture of a blood vessel, which brought the scene to a close. His primary disease was an ossification of the vessels of the heart, complicated at last with a dropsy. It was attended for some

time with agonizing pain, which he bore with exemplary patience.

In the question between the hereditary and the elective principle for determining the person to be invested with the chief executive authority of powerful nations, which had heretofore divided the opinions of mankind, but which has been in constant issue since the declaration of American independence, the personal and individual characters of the men who by the operation of the two systems, have respectively been brought upon the scene of action, have had a great though silent and slowly self-unfolding effect upon the still uncompleted verdict of mankind. The result of the hereditary principle acting upon the manners and prevailing opinions of the age, is to place upon the throne men of vicious habits, of corrupted morals, of cold hearts, of frivolous tastes, of luxurious and effeminate lives; and of insignificant characters. Such was pre-eminently the character of George the Fourth. He was born heir apparent to the throne of the British realms. The fourth king but of the fifth generation in Hanoverian dynasty. His and second progenitor of that family upon whom the crown imperial of the realm had been settled on the first expulsion of the Stuarts, were of Germany, had received German education, and were imbued with the arbitrary principles of feudal sovereignty, chastised and controlled by the gleams of purer light elicited from the collisions which had raised them to the throne. They had supplanted the rightful heirs of

hereditary descent, by a revolution founded on a departure from that principle. Bred themselves in the rankest hot bed of feudalism, but foreigners to the British Islands by birth, speaking scarcely at all their language, aliens to their manners and endowed with no faculties, such as command the veneration or win upon the affections of men, with contested titles to the crown and the hereditary principle of right incontestably with their antagonist, they were necessarily compelled to rely upon the principle of liberty for their support in the elevation to which it had raised them; and to vest their confidence exclusively in that portion of the statesmen and people of Britain, by whose principles and assistance the sceptre had been transferred to them.

But at the accession of George the Third, seventy years after the revolution which had displaced the Stuarts, their hopes if not their pretensions were extinguished. The old hereditary principle had resumed its sway and the son of Frederick Prince of Wales, whom George the Second his father had survived, though born in England and in a life of four score years never out of the Island had a German princess for his mother, the sum of whose political instructions to him was '*George, be King.*' Though in his first speech to Parliament he had the sagacity to declare that he gloried in being a Briton born; this was a mere flourish, to claim a hold upon the affections of the people which his ancestors and predecessors of his family had not



possessed. From the outset of his reign the principles of the Revolution were discountenanced; his favors were chiefly shared by Scottish Jacobites and Tories, and the spirit of freedom was outraged by the attempt to introduce taxation by Act of Parliament into the North American Colonies. The abortion of this effort, and the involvement of the nation in unextinguishable debt in the struggle to accomplish its purpose, constitute one half the history of his reign of half a century. The other half was a struggle equally desperate against the French Revolution, and against the progress of liberal principles throughout the world. It was reserved to be the fortune of his son and successor, to enjoy the apparent credit of accomplishing this object. His regency was signalized by the triumph of the European Alliance, as it seemed to themselves and to the world, over the long agony of the French Revolution. How fallacious and short lived that triumph was destined to be George the Fourth did not live fully to realize; but in the achievement of the triumph he had as little personal agency as in the reverse which happened so soon after his remains were consigned to the tomb. In the days of Edward the Third, his son when Prince of Wales was the first warrior of the age. Education to the art of war was the discipline of youth for British princes down even to the accession of the House of Hanover. James the Second, William the Third, George the First and Second had all been military chieftains

personally exposed to the dangers of the field or of the deck; but in the space of seventy years from the accession of George the Third to the demise of George the Fourth, although their country was during more than half that period, involved in the most formidable and bloody wars, and the country over which they ruled contending for her very existence, neither of them ever heard the whistling of a musket ball upon the field. Even at the time when the cannon ball which brought Moreau to the earth, by the mere chances of the day, might have struck instead of him the imperial head of Alexander then at his side, even when Joseph of Austria, and Frederick William of Prussia were upon the tented field, contending with Napoleon and all his legions, George the Fourth, who had sent thousands and tens of thousands of his gallant countrymen, to mingle in the strife of battle, and to die for their king and country, was himself reclining upon beds of down, and gorging upon the marrow of the land in his pavilion of Brighton, or if the thought of martial glory ever entered his soul, it never stimulated him beyond the achievement of devising embroidery for the uniform of his guards.

There were virtues in the heart and mind of the Third; and in spite of many weaknesses and all his errors they have embalmed his memory. He was honest; which in the days of Shakspeare and of Hamlet, *as the world went*, was to be one man in ten thousand. In the days of George the Third the proportion

had not much varied. He was sincere. He was religious without superstition, without fanaticism—a virtue of the first order in every station of human life, of transcendent excellence in a king, inasmuch as it keeps him constantly in mind, that however uncontrollable his actions may be upon earth there is a tribunal before which he will one day be called to answer for them with tremendous responsibility. There were none of these barriers to vice in the soul of his eldest son.

‘The king-becoming graces,  
As justice, verity, temperance, stableness,  
Bounty, perseverance, mercy, lowliness,  
Devotion, patience, courage, fortitude,  
He had no relish of them.’

He was not honest—he was false; false to man—as Charles Fox and Sheridan could testify to the last hour of their lives—false to woman—as his secret and his public, his Catholic and his Protestant wife, and many a forsaken mistress, from Mrs Robinson to Lady Jersey could testify. False to his country, to whom he gave in her Parliament through Charles Fox, the solemn pledge of his honor that he was *not* married to Mrs Fitzherbert.—The private life of George the Third was irreproachable. The example of social and domestic life set by him and his queen had a great and salutary influence upon the morals of the land. What Briton can ever look without a blush, at the example of private life set by George the Fourth? His heart was radically bad; no education could have made it good; as no original native purity could have preserved itself from the pollutions of such

an education as he had received.

He was born on the 12th of August, 1762, the anniversary of the accession of his family to the British throne. When four days old he was created by letters patent Prince of Wales and Earl of Chester; on the 18th of August he was baptized by the name of George Augustus Frederick: when three years old, was invested with the order of the garter, and received from the society of Ancient Britons a formal address, which he answered, probably with about as much expense of his own intellect as he ever afterwards bestowed upon *his people*. At four years of age, he was appointed Captain General of the Artillery Company of the City of London, a post which he held till his death, and in which the military renown which he acquired was not inferior to that of the train-band captain in the same service, immortalized in the verses of Cowper. In 1771, Lord Holderness was appointed governor to him and his next brother the Duke of York, and Dr Markham afterwards Archbishop of York, and Dr Cyril Jackson, their preceptors. Five years afterwards these officers were exchanged for the Duke of Montague and Bishop Hurd. Under the guidance and tuition of these respectable persons, he was kept totally secluded from the world, confined to a rigorous course of study, till he became an accomplished classical scholar, well versed in the Latin language, with a sufficient smattering of Greek and familiar with the modern French, German,

and Italian. His instruction in natural and experimental philosophy was adapted to the prevailing standard of the time and he acquired a gentlemanly taste for literature, and a fashionable relish for the fine arts, especially for Painting and Music.

These are all elegant, and may be made eminently useful accomplishments. In him they were set off by others, more superficial, but more dazzling to the superficial observers of mankind. In person he was remarkably handsome. In manners, graceful and fascinating. With all the internal hardness he had the external polish of marble. But with all this care and cultivation of the surface he was educated for sensual enjoyments and not for toilsome action. He was brought up in the established religion of the state, but among his studies we hear nothing of moral philosophy, nothing of the school of ethics to which he was formed. At the age of twentyone he was admitted to the House of Lords, by the title of Duke of Cornwall. In the theory of the British constitution, the peers of the realm are the hereditary counsellors of the king, and form, in their corporate capacity, one branch of the Legislature. This theory necessarily supposes that the individuals thus honored by their birth, shall receive education suitable to the stations which they are thus privileged to occupy. — That they shall be instructed in the elements of political science, and made acquainted with the wants and interests of their country, — favored by the confidence of that country in advance, — placed in

a post of honor and of power, — free from all dependence either upon the crown or upon the people; — a duty of the sternest obligation rests upon them to qualify themselves for the high and responsible trust committed to their charge, — a trust embracing all the transcendent powers of government, legislative, judicial, and executive. These obligations weigh with accumulated gravity upon the heir apparent to the throne, to whom his appropriate functions, as a peer of the realm, should be the most effective practical school to fit him for the higher and all-embracing duties of the kingly crown, to which, in course of nature, he is to be called. This theory is founded upon a superficial observation, and a too generous estimate of human nature. The experience of all ages shows that the property of all independent hereditary power is to degenerate either into morbid energy, or more frequently into torpid inaction. The spark of ethereal flame imparted by the divine intelligence to every individual of the human race for purposes wise and good, but inscrutable to us, communicated in portions so unequal that in its extremes on one hand it is scarcely discernible from the mere animal brute creation, while on the other it raises man to a standard little lower than the angels. In this as in the other phenomena of mind and matter, we perceive that the creative power acts by general laws; but the limited capacity of man is unable to discover by what laws this distribution so unequal is made. We only know that it is independent

of all human agency and control; and that it is not transmissible by descent. Genius, the attribute which of all others most approximates the human to the divine nature, to human observation appears to be the gift of chance. — It strikes, like the bolt of heaven, where it listeth. — It enters at once the British House of Peers, and the hovel of a Scottish peasant, to transform the ploughman and the peer into the two most splendid poets of the age; but not a particle of that flame, which in them is destined to illuminate or to consume, shall descend on one individual of their posterity. The son of king Edward III., when Prince of Wales, was one of the most illustrious warriors that his native island had produced. — The son of George III., invested with the same dignity, was a mere gaudy trifler and fashionable rake — a Bond-street loungee in pall-mall, and a nerveless sybarite at Brighton. During the middle ages of Europe, France was afflicted by a succession of monarchs, known in history under the denomination of the *do-nothing* kings — *Les Roi Fainéans*. — This epithet would be perfectly characteristic of the and life reign of George IV. — From his first appearance in the world, his youth was marked by the most unbridled licentiousness and extravagance. — From the time when he came of age, he received a grant from Parliament of sixty thousand pounds sterling for outfit, and fifty thousand pounds a year as income; his friends, that is to say, his parasites, affected to consider this establishment

as mean and niggardly, demanded for him double that amount of income, and stimulated him to resentment against the king his father for refusing to countenance this claim of boundless profusion. — He connected himself in intimacy with the leaders of opposition to the administration, who ultimately found in his treachery to themselves, and his desertion of their cause, the reward of their attachment to him, and of their subserviency to his profligate habits of life. — Handsome in person, graceful in deportment, fascinating in manners, and profuse in expenses, he was called the most accomplished gentleman in Europe, because he had been duly drilled by the dancing, fencing, and riding masters, and as ministering to sensual enjoyment had cultivated a taste for the elegant arts of music, painting, sculpture and architecture; endowed by nature with a lively wit, his education and habits gave it the direction of satirical severity, and he indulged it in cutting sarcasms and coarse jokes upon his menials and dependants, from whom he could be in no danger of retort. This sparkling vivacity, with the splendor of his entertainments, the magnificence of his palace, the brilliancy of his equipages, and the wasteful riot of his expenditures, gave for years a dazzling gloss to his reputation, which to the vulgar observation of his countrymen, passed for indications of an accomplished prince. As if to set at defiance the moral decency of his father's court, he commenced his career with giving affected publicity to his licentious

connexion with a married woman whom he had seduced, with whom he paraded about the streets of London in an open Phaëton, and whom, two years after, he deserted, and suffered to die in shame, wretchedness and want.

His next irregular and unlawful connexion was with Mrs Fitzherbert, an Irish widow, then ten years older than himself. — A connexion sanctioned by the forms of marriage, and in which the divine law was complied with by a double violation of the law of the land. Mrs Fitzherbert was a Roman Catholic, and a British subject, with whom a marriage by the heir apparent was prohibited by at least two acts of Parliament. By one of them the marriage was absolutely null and void — by the other, the Prince had incurred the forfeiture of his right of succession to the crown, which the lady well knew: so that of the subsequent treachery or dereliction of her royal lover she could have less cause to complain than if their union had been disavowed by religion as well as by human laws. She is yet living at the age of little less than four score, and if her influence over the mind and conduct of her paramour was in nothing more exceptionable than in preparing his conscience for giving his royal assent to the Catholic emancipation bill, she cannot, at least, be chargeable with having abused it for evil purposes. That she was instrumental in effecting a reconciliation of courtesy between him and the last relics of the Stuart pretenders, and with the Roman Pontiff, has been ru-

mored, but without formal authentication.

However this might be, the influence of Mrs Fitzherbert was never effective, and probably never exerted to reclaim him from his habits of extravagance and dissipation, aggravated by the ruinous vice of gaming. By this his affairs soon became so much involved in debt and disorder that he was reduced to the humiliation of applying to his father for relief from his embarrassments, and suffered from him the mortification of a refusal. Then for the purpose of shaming his father into compliance, he made a theatrical display of self-sacrifice, broke up his establishment, sold his race horses, surrendered four fifths of his income for the gradual liquidation of his debts, and did penance upon ten thousand pounds sterling a year. By the baseness of these devices to bring upon his father the obloquy of miserly meanness towards his son, he alienated the affections of the king, till he discarded him from all intercourse with him public or private. Soon growing weary of his own performance in this farce of penury and persecution, he transferred his application for relief from the king to Parliament, from whom he obtained a sum of one hundred and sixty thousand pounds to pay his debts, and of twenty thousand pounds to repair his palace, on a condition of amendment and future economy, to which he assented only to afford another proof how utterly regardless of his word he was.

It was in the debate upon this act, that the fact of his secret

marriage with Mrs Fitzherbert was solemnly denied, and treated as an infamous calumny by Mr Fox in the confidence of his reliance upon the word of honor of the heir apparent secretly pledged. Mr Fox afterwards discovered that in this transaction his royal highness had made him at once his instrument and his dupe, for which, it is said, he never forgave him.

Not long afterwards appeared the first decisive indications of the malady, which afflicted the last years of the king's life. Its access then was temporary, but brought on the necessary discussion in Parliament of the establishment of a regency. An act of Parliament for this purpose, vesting the regency in the prince of Wales, but under considerable restrictions upon the exercise by the regent of the royal power, was presented by the minister, adopted by the House of Commons, and had reached its last stages in the House of Peers, when all further proceedings on the subject were superseded by the recovery of the king. The agitation of the question to which this occasion gave rise, produced little less than a convulsion throughout the kingdom. The dissolute and unprincipled habits and conduct of the prince, his connexion with the leaders of the opposition to the administration, whose private morals were scarcely less exceptionable than those of the prince himself, and the dissensions between him and his father which had prevailed immediately before the occurrence of the king's disease, had so stag-

gered the confidence of the nation in his personal dispositions, that Mr Pitt found it necessary to provide by law, that the regency of the kingdom should be separated from the custody of the king's person, from the disposal of his property, from the management of his household, and even from the exercise of some of the highest powers of the royal prerogative, particularly in the creation of Peers. The regency, thus manacled, the prince had been under the necessity of consenting to accept, though not without ungracious complaints at the distrust which he had deserved, and the restraints to which he was obliged to submit.

The king, however, recovered, and the French revolution which soon followed, while it broke up into fragments the opposition to Mr Pitt's administration, dissolved also the prince's connexion with them. — He had the sagacity to perceive that a revolution, which then announced itself as founded upon the principle of subverting all royal governments, held forth banners under which a prince of Wales, and heir apparent of England, could not conveniently serve, and in 1792, he made a speech in the House of Lords against the doctrines then adopted by his old friends the new Whigs, of whom he thus took leave, and henceforward voted with the ministry.

The prince of Wales, without very profound penetration, might have discovered that a reformation of his own manners, and the devotion of his faculties to the service of his country, would have

afforded a stronger argument against the doctrines of the republican revolutionists than his secession from the standard of the Whigs in Parliament. But he made no discovery which could reclaim him from his vices. — A very few years again involved him in debt inextricable, and after failing in an attempt to negotiate a loan in Holland, he at last bargained himself away by a marriage with his cousin Caroline Amelia Elizabeth, daughter of the Duke of Brunswick, upon condition that his debts should be paid, and a larger provision should be made for his household establishment. A parliamentary grant of six hundred thousand pounds was made for the first of these objects, and an annuity of one hundred and twentyfive thousand pounds a year for the last, besides a handsome outfit. The marriage took place on the 8th of April, 1795, and on the next day he deserted his conjugal duties forever, treated his wife with constant and gross indignity, compelled her to live in a separate establishment, harassed her with delicate investigations of her own conduct, drove her into a wandering exile upon the continent of Europe, denied her upon his own accession to the throne the right of recognition as his Queen, and finally aimed at once at her honor and her life by a bill of pains and penalties, before the House of Peers, for adultery with an obscure Italian by the name of Bergami. Of this charge she was acquitted, and immediately after died of a broken heart.

In 1810, the last and incurable

return of his father's disease, revived the necessity for a regency, which was conferred upon him under the restrictions contemplated twentytwo years before by Mr Pitt, some of which were, however, afterwards removed. — The custody of the king's person remaining, until his death in 1820, in the queen, and a committee of Privy-counsellors and Peers.

Ascending the throne at the age of little less than three score, the reign of George IV. could not in the course of nature be long. — Its duration was of about ten years : for his constitution, naturally strong and vigorous, though impaired by the vicious excesses of a licentious life, yet lasted nearly out the average term of years allotted to man. His days were nearly three score years and ten ; and so complete will he stand before the tribunal of posterity as a *do-nothing king*, that were his existence blotted out of the history of England, there is not a solitary law or institution, or word or deed worthy of preservation, which would pass into oblivion with him.

His next brother, the Duke of York, having died before him, he was immediately succeeded upon the throne by the third son of George III., William Henry, Duke of Clarence. It was remarked by a philosophical Roman historian, that of thirteen Roman Emperors who had reigned at the time when he wrote, one only had improved his reputation by the exercise of supreme power. To judge of the character of King William IV. at this time, would be obviously rash and pre-

mature, but thus far he appears entitled to the commendation bestowed by Tacitus upon Vespasian. His reputation as a Prince of the blood royal of England was not enviable. — He had indeed, from early youth been destined in active life to the service of his country, on the theatre of her renown, and of her power. He had risen in regular gradation from the ranks of a midshipman and lieutenant in her navy; and before the age of manhood, had breasted the battle and the breeze during the American revolutionary war. But there his services had ceased. When the age of manhood came, he had retired from its useful and honorable toil. When he became Duke of Clarence, with a parliamentary establishment of sixteen thousand pounds sterling a year, he slunk away from his proper stand, the quarter deck of a man of war, to the inglorious retirement of Bushy Park, where living in shameless notoriety with an accomplished actress of the stage, and after making her the mother of a spurious breed of children now mingling their mongrel blood with that of the proudest nobles of the kingdom, he turned her off to perish with want in a foreign land, and to be indebted for decent obsequies to the charity of strangers. And while thus he lived, Howe, and Hood, and Duncan, and Jarvis, and Collingwood, and Exmouth, and Nelson, were twining wreaths of laurel round the colossal form of their country, multiplying from year to year her mural crowns, extending her fame over every ocean, and

bearing her thunder to every land. Of these heroic warriors, the Duke of Clarence was a brother admiral; — with them and before them he rose in rank and promotion till he reached the summit of the profession forbidden to them, — the dignity of Lord High Admiral of the United Kingdom. He shared, he more than shared the rewards of glorious achievement; but of its labors, its toils, its dangers, its anxieties, its privations, its energies, what thought or memory could there be in the luxurious and dissolute purlieus of Bushy Park?

But the rising sun will never be destitute of worshippers. — George IV. departed without being desired. The accession of William IV. was welcomed with joyous acclamations. His early life had brought him into familiar intercourse with the laborious and common classes of men; from which the heir apparent had always been preposterously secluded. The midshipman of a man of war had been under the command of plebeian superiors — the associate of simple commoners — the companion of rude and hardy tars, and there had taken lessons of language more energetic than dignified, and formed a taste for manners more popular than refined. A sailor king was a novelty in the British Islands, and gave to the person uniting the characters, a double hold at once upon the affections and the reverence of the people. It had, indeed, once before been combined in the person of an unfortunate Prince, the last of the Stuart line; and if James II. had not sacrificed



three kingdoms for a mass, his naval exploits would perhaps have atoned for all his other follies, and have left him to die in possession of the throne. The career of William IV. had not been signalized by any brilliant achievement, but it had given him the glossary of the seaman's language, and the rude but hearty and hardy manners of the gun-deck. It has been said that his instruction as Lord High Admiral of Great Britain to Admiral Codrington, which produced the victory of Navarino, was conveyed in the significant words 'Go it, Ned,' in a postscript to an official despatch, — and when on a recent occasion he was suddenly called to go to the House of Peers to dissolve the Parliament, the royal state coach not being in a state of repair, he ordered his servants if the yacht could not be got ready, to send him the yawl.

These anecdotes may be apocryphal, but whether real sayings from the royal lips, or probable fictions of courtiers around him, they indicate the character of the man. A Commodore Truncheon upon the throne, and they seized hold at once upon the imagination and the heart of the British people. He was withal affable in his manners, cordial in his deportment, and in the establishment of his household, descended from the stiff and scornful dignity of the old courts, approximating to the domestic arrangements of private families in the middle ranks of society. His reign commenced, therefore, under auspices of great popularity. During the wars of the French Revolution,

the Duke of Clarence had steadily adhered to the Tory Administrations of his country; and Mr Canning, when at the head of the ministry, after the death of the Earl of Liverpool, seeking from every quarter support in his struggle against an overbearing aristocracy, had brought the Duke himself in as Lord High Admiral of the kingdom, an office which had been laid up in ordinary since the decease of George, Prince of Denmark, the husband of Queen Ann. This experiment had not proved remarkably successful. The Lord High Admiral was said to have been overliberal in the use of funds without waiting for parliamentary appropriations. He had found it advisable during the administration of the Duke of Wellington, to resign his office, which was again vested in a board of commissioners, as it had been for more than a century before his appointment. But notwithstanding this, and notwithstanding recent family connexions had been formed between the Fitz-Clarences, and certain distinguished members of the Whig opposition, William IV. on his first accession to the throne, retained all the ministers in office at the decease of his predecessor. In commanding them to continue their services, he gave them an assurance of his perfect confidence in their ~~tal~~ <sup>and</sup> ability, and a declaration that no change would be made in the principles upon which the government had been conducted by them. Disappointed in their expectations from the change in the person of the monarch, the opposition adapted

their course of hostility against the ministry to the new circumstances of the time, and brought forward, even after a message from the crown announcing a speedy dissolution of Parliament, and recommending a speedy despatch of the necessary business of the session, a motion for an immediate settlement of a Regency and the civil list. This proposition was defeated by a large majority, and Parliament was dissolved under a general expectation soon to be signally disappointed, that the power of the Duke of Wellington and his ministry was consolidated upon an immovable foundation.

The new Parliament met on the second of November. In the interval between the dissolution and that day, events of transcendent importance had occurred in other countries, which had totally changed the face of continental Europe, and had prepared times of trouble and of convulsion in the British islands. The Revolution of the three days of Barricades, at the close of the month of July — the expulsion of Charles X. and of his family from France — the elevation of the Duke of Orleans to the vacant throne — the dismemberment of the kingdom of the Netherlands — and the insurrection of the Poles against the Russian autocracy at Warsaw, the former related in other chapters of this volume, had all occurred. All Europe was in combustion. The revolutionary flame was already burning fiercely in Ireland, upon the agitation of a proposal for a repeal of the Act of Union with Great Britain, and even in the larger island, the progress of

popular revolutions in the adjoining lands, had stirred up all the elements of public discontent, and revived with redoubled fury the clamors for retrenchment and reform. The progress of the elections had disclosed, unexpectedly to all, the decline of the Duke of Wellington's popularity — very recently before so unrivalled, that some of his enemies made no scruple of insinuating that the crown itself was not safe from the grasp of his ambition. He was himself far from perceiving the height from which he had fallen. He had not dared to refuse the recognition of the new government of France; but with regard to the Revolution in the Netherlands, he had manifested a disposition to take part against the people, which the spirit of the age could no longer endure.

The king opened the session of Parliament by a speech in person. He stated that since the dissolution of the late Parliament events of deep interest and importance had occurred on the continent of Europe.

That the elder branch of the House of Bourbon no longer reigned in France, and that the Duke of Orleans had been called to the throne by the title of King of the French. — That having received from the new sovereign a declaration of his earnest desire to cultivate the good understanding, and to maintain inviolate all the engagements subsisting with Great Britain, he did not hesitate to continue his diplomatic relations and friendly intercourse with the French Court.

That he had witnessed with

deep regret the state of affairs in the Low Countries. He lamented that the *enlightened* administration of the king should not have preserved his dominions from *REVOLT*, and that the wise and prudent measure of submitting the desires and complaints of his people to the deliberations of an extraordinary meeting of the States General, should have led to no satisfactory result. — That he was endeavoring, in concert with his allies, to devise such means of restoring tranquillity as might be compatible with the welfare and good government of the Netherlands, and with the future security of other states.

That notwithstanding the appearances of tumult and disorder in different parts of Europe, he hoped to preserve to his people the blessings of peace, — and that the *determination to maintain, in conjunction with his Allies, those general treaties by which the political system of Europe has been established*, would offer the best security for the repose of the world.

That he had not yet accredited his ambassador at the court of Lisbon; but that as Don Miguel had determined to grant a general act of amnesty, he thought the time might shortly arrive for renewing the relations which had so long existed between the two countries.

He recommended an immediate consideration of an act for the establishment of a Regency in the event of his decease, before his successor should arrive at years of maturity; and the establishment of

a civil list, upon which he said he placed without reserve, at the disposal of parliament, his interest in the hereditary revenues, and in the funds derivable from droits of admiralty, the West India duties, or other casual revenue.

He deeply lamented that in some districts of the country the property of his subjects had been endangered by combinations for the destruction of machinery, and that serious losses had been sustained through the acts of wicked incendiaries.

He could not view without grief and indignation, the efforts industriously made to excite among the people a spirit of discontent and disaffection, and to disturb the concord prevailing between those parts of his dominions, the union of which was essential to their common strength, and common happiness. He was determined to exert to the utmost of his power, all the means which the law and the constitution had placed at his disposal, for the punishment of sedition, and for the prompt suppression of outrage and disorder.

Amidst all the difficulties of the present conjuncture, he reflected with the highest satisfaction on the loyalty and affectionate attachment of the great body of the people. — He was confident that they justly appreciated the full advantage of the happy form of government under which, through the favor of Divine Providence, the country had enjoyed, for a long succession of years, a greater share of internal peace, of commercial prosperity, of true liberty,

of all that constitutes social happiness, *than has fallen to the lot of any other country in the world.*

He concluded by affirming it to be the object of his life to preserve these blessings to this people, and to transmit them unimpaired to posterity; and that he was animated in the discharge of the sacred duty committed to him by the firmest reliance on the wisdom of Parliament, and on the cordial support of his faithful and loyal subjects.

There is always a glaring incongruity between the form and the substance of the speeches of the kings of Great Britain to their Parliament. In form, they speak in the first person, and descant at large upon their own virtues and graces. In substance, they perform the part of school boys reciting their lessons; or in the more courtly and sarcastic language of Junius, they give graceful utterance to the sentiments of the minister. The king of England writes not one line of the speech that he delivers from the throne. He is responsible for not one word that he speaks. His ministers are responsible for it all with their heads; and it is of course always written by them. The personal dispositions of the king are therefore of no account, and paragraphs of self-eulogium and gratulation in their speeches, are merely modes of flattery, really addressed by the minister to the king, though apparently delivered by the king to the people. The speech is always received by addresses from both houses of Parliament, and the debates upon these addresses are at once the

severest criticisms upon the speech, and the most decisive trials of strength between the administration and their opponents.

To this ordeal the first parliamentary speech of William IV. was immediately brought. — And first a gross inconsistency of first principles was charged upon its different parts. It declared that the king *did not hesitate* to continue his diplomatic relations and friendly intercourse with the court of France, although the elder branch of the House of Bourbon had ceased to reign in that kingdom, and the Duke of Orleans had been called to the throne. The only reason assigned for this recognition of the total overthrow of legitimacy by a popular insurrection, and this acknowledgment, *without hesitation*, of a government, *without title*, monarchical or republican, hereditary or elective, was that the new king of the French had declared his earnest desire to cultivate the good understanding, and to maintain the engagements subsisting with Great Britain. Here was the system of non-intervention in all its purity. But when he came to speak of the Belgian Revolution, how altered was the tone! It was styled a *revolt* against an *enlightened* government, aggravated by the rejection of wise and prudent measures of the Dutch king, which his royal brother of England lamented; and it stated that he was with his allies devising means to restore tranquillity, compatible not only with the security of other states, but with the welfare and good government of the Netherlands. Here was the

principle of intervention in its rankst and most offensive form. The king of England, after pronouncing the revolutionary movement in Belgium a wanton revolt against an enlightened government, was devising means for *restoring* good government; — and it was impossible to read the whole paragraph without inferring that in his majesty's perception and judgment the enlightened government and the good government were the same.

Then again with regard to Portugal the principle of non-intervention was resumed for the benefit of a tyrant and usurper. Mr Canning had sent a British army into Portugal to put him down. He had accomplished his purposes directly in their face; and, indeed, with their countenance, if not their support. The troops had then been withdrawn; all the supporters both of a free constitutional government and of the ancient monarchy had been abandoned to the merciless vengeance of the usurper, which, after he had glutted by bloody executions, imprisonments, banishments and confiscations, king William was about to recognise Don Miguel as a legitimate sovereign, upon his issuing a general act of amnesty, of his faithful performance of which, he had given a foretaste by the violation of all the engagements and treaties which he had so recently subscribed for the settlement of the crown upon the daughter of his brother, then Emperor of Brazil.

These inconsistencies were seized upon with great eagerness by the opposition in both houses

of Parliament, headed in the House of Peers by Earl Grey, and in the Commons by Henry Brougham, then first returned as a member from the populous county of York. They were inconsistencies of the most dangerous kind: for they tended to deprive the Duke of Wellington of that reputation which, till then, had constituted his principal power — the reputation of firmness and energy. — Compared together, his course of proceeding towards France, and towards the Netherlands, indicated a feeble, timid, and vacillating policy, 'Willing to wound, and yet afraid to strike,' — overawed by the giant form of revolutionary France; but bold and daring in the attempt to put down the same spirit upon the small and contracted theatre of Belgium.

The paragraph of the speech respecting the tumults and disorders prevailing in various parts of the kingdom, seemed to have a special reference to the state of Ireland, and was thought to bear peculiarly upon one member of the House of Commons, O'Connell, the Irishman. He, after sharing in the triumph of Catholic emancipation, had taken his seat without opposition, after a fruitless attempt to take it before the Catholic bill had passed. — That question settled, he had raised another, by stimulating the people of Ireland to demand the repeal of the Act of Union between that island and Great Britain. The proposal had been received in Ireland with great favor, and had been made the signal for the reunion of the two great parties into which that country had been

so long divided. The royal speech alluded to these efforts in a tone which left no reason to doubt that the whole power of the government would be exerted to suppress this attempt if it should be made.

There was another point upon which the speech presented itself with awkwardness from a want of precision in the language of its composition. It made a show of placing at the disposal of Parliament all the king's personal and individual property; but upon inquiry it was found that the revenues of the Duchies of Cornwall and Lancaster were tacitly excepted. A warm and angry debate upon this question followed upon the discovery, the result of which was to leave on the public mind the impression of a mean and ungracious act on the part of the king, in that which was blazoned forth in the speech as a sacrifice of splendid munificence.

From the time of the settlement of the Catholic question until the demise of George IV., the Duke of Wellington's administration had appeared by disarming the opposition of the Whigs, to have gained in support from that party more of popularity than it had lost in the favor of the Tories. We have seen that in the last session of the preceding Parliament every motion for parliamentary inquiry into the state of the country, though at a period of deep and universal distress, had been voted down by overwhelming majorities in both Houses, and the reformers had been unable to obtain even a transfer of the right of represen-

tation, from the borough of East Redford, disfranchised for corruption, to the populous and unrepresented towns of Birmingham or Manchester. William IV. at his accession, had given his entire and unqualified confidence to the ministers left in office by his brother, and a new Parliament had assembled, without any intervening act of the administration, which could have affected seriously their popularity. The Duke of Wellington must have known that his ascendancy in this Parliament would not be as entire as it had been in the last, but he appears to have been altogether unaware of the extent of the disaffection he was to experience. It was a singular but surely not an un instructive spectacle to see his fame and power, colossal as they were, fall before the touch of an invisible hand — and that hand was the reexpulsion of the 'elder branch of the House of Bourbon.' From the day when they no longer reigned in France, he no longer reigned in England. Such is the great and tremendous lesson of the French Revolution. — In all its vicissitudes, the great primitive principles upon which it is founded have proved unextinguishable. The Duke of Wellington with all Europe at his back had vanquished Napoleon upon the theatre of his glory; the field of battle. — He had been 'Le Vainqueur du Vainqueur de la Terre.' — He had led the Bourbons back in triumph to their throne, and delivered his moral lectures in Paris to the people of France after 'the long agony was over.' It was now the

turn of the people of France to moralize with him,—to teach him that if Salamanca and Vittoria, and Talavera, and La belle Alliance, could suffice to break the sceptre of Napoleon, and strip from his brow the imperial diadem won at Lodi, and Arcole, and Marengo, the field of battle was not the scene upon which the French Revolution was to close.

Three days of the barricades of Paris had rolled down the stone of Sysiphus, which all the monarchies of Europe had been five and twenty years in heaving up. The long agony was to recommence, and the fame of the Duke of Wellington was gone. The armed head of Napoleon might have risen before him like Samuel raised by the Witch of Endor before Saul; and have said, ‘tomorrow thou shalt be with me.’

His antagonists, especially Henry Brougham, had seized at a glance the condition to which he was coming, and as he was towering in his pride of state, had sped the shaft to transfix him in his flight. On the hustings at York, at public meetings and political dinners, during the canvass for the new Parliament, and by various publications through the medium of the press, he had prepared the way for the attack upon him at the meeting of Parliament. This he made in a splendid speech exposing the weakness and inconsistency of that which had been delivered from the throne, and laying down as a principle never to be departed from, the universal rule of non-interference in the internal affairs of neighboring states;—a rule

which, however occasionally suited to the purposes of opposition never can be an inflexible rule to any administration of the British government. In this speech he declared that the existing administration was composed of the feeblest ministers, into whose hands, by a strange combination of accidents, the government of the country ever fell—hardly sufficient to manage the routine of official business in the calmest times—unable to manage the business, of the House of Commons in ordinary times;—yet deeming themselves sufficient to manage the business of a great and complicated war. In the House of Peers, Earl Grey, with more dignity and decorum, without insulting personalities, repeated the censure upon the intention indicated in the royal speech of interfering in the internal affairs of the Netherlands; and upon the qualification of the Belgian Revolution, as a revolt, against an enlightened and paternal government; and he took an early occasion to remark, that in his belief, if the government did not yield to measures of temperate reform, they must make up their minds to witness the destruction of the constitution; and that ministers might now pursue with safety measures for improving the representation, which would be ultimately forced upon them at a season of greater difficulty and danger. To this, the Duke of Wellington replied, that so far from being prepared with any measure of reform, he was convinced that no reform was necessary; that in his opinion the representation of the country was

perfect, and that any attempt at reforming it would be an impolitic interference with the best legislative system that ever existed. — ‘For my own part,’ said he, ‘I will say that I never heard that any country ever had a more improved, or more satisfactory representation than this country enjoys at this moment. I do say that this country has now a legislature more calculated to answer all the purposes of a good legislature than any other that *can well be devised*; that it possesses, and deservedly possesses the confidence of the country, and that its discussions have a powerful influence in the country. And I will say further, that if I had to form a legislature, I would create one. — not equal in excellence to the present, for that I could not expect to be able to do, but something as nearly of the same description as possible. I should form it of men possessed of a very large portion of the property of the country, in which the landlords should have a great preponderance. I therefore am not prepared with any measure of parliamentary reform, nor shall any measure of the kind be proposed by the government so long as I hold my present position.’

This declaration, not less feeble in argument than military and dictatorial in form, sealed the official doom of the Duke of Wellington. The panegyric upon the existing system of parliamentary representation, might have been cheered by the Whigs themselves immediately after the battle of Waterloo, but it was now no more in season. It was in sub-

stance what George Canning had said much more smartly over his wine, at every canvassing dinner which had been given him to the day of his death. It was very little more than Earl Grey, who was now taunting him with a challenge of reform, had said at a public dinner, when in 1818 his loyalty had been refreshed by the issue of the same battle of Waterloo. Twentyfive years before, Mr Charles Grey, in the first inflammatory stage of the French Revolution, had come into the House of Commons in the fever-heat of reform. He had commenced his parliamentary career by joining in the clamor for reform to embarrass the administration of Mr Pitt. His father, however, had shortly afterwards been raised to the peerage for sundry achievements of pillage upon neutral American commerce in the West Indies, for which the British nation were afterwards compelled to pay, and the zeal for reform of Mr Charles Grey cooled down to the freezing point. At the decease of his father, he became himself a peer, and was afterwards raised to an earldom; and for a short time during the administration of *all the talents*, was the secretary of state for foreign affairs by the name of Lord Howick. In 1812, when the House of Commons and the Prince Regent were searching for an efficient ministry, like Diogenes with the lantern in his hand looking out for a man, Earl Grey received the Prince’s commands to form such a ministry, of which he was to be the premier, but very indignantly threw up the



commission upon the Prince's refusal to turn out four of his domestic servants dignified with the title of Lords: thereby as his friend Sheridan reproached him, abandoning the welfare of his country and the destinies of Europe to the imbecility of Liverpool and Castlereagh, 'for the sake of four white sticks.'

Earl Grey lost also thereby the opportunity of bringing the war to that glorious and triumphant close—the conquest of France, and the restoration of the Bourbons. Unable from his own overbearing arrogance and obstinacy to form a firm and efficient ministry, he continued the head of a weak and inefficient opposition; and in 1818, at some public dinner, not only recanted all his old partialities for parliamentary reform, but went out of his way to draw an invidious and offensive parallel between the British mode of representation and that of the *United States of America*—declaring his decided preference of the former.

On the score of consistency, therefore, the Duke of Wellington had greatly the advantage in this debate over Earl Grey. In the domineering tone of their tempers, there was little to choose between them. But the Earl had caught ere she changed, the Cynthia of the minute, parliamentary reform, and he returned to the standard from which he had deserted. It is hoped he has discovered that the representative system of the *United States of America* is not quite so bad as that which gave old Sarum and East Redford two members each,

and Birmingham and Manchester none at all.

The Duke of Wellington discovered very soon, and in a very feeling manner, that the most perfect system of representation 'that could well be devised' no longer reigned in England. He could not show himself in the streets of London without being pelted with stones.—He was covered with odium; and precisely at that moment occurred an incident, very trifling in itself, but which covered him and his administration with ridicule.

We have seen that the king's speech to Parliament was delivered on the second of November. The ninth of that month was the annual festival, known by the name of Lord Mayor's day. It had been usual for the kings of England who affected popularity to accept, shortly after their accession to the throne, an invitation to go in procession with the Queen to Guildhall, and there to partake of a banquet with the Lord Mayor, and the Corporation of London. Such an invitation had been given to King William, and accepted by him, and the Lord Mayor's day had been fixed upon for the festivity. The preparations for it were accordingly magnificent. The precedents of royal conviviality in the city had been drawn out from long years of oblivion, and consulted for repetition. A committee of arrangements had been appointed, and the loyal and the curious were all on the tiptoe of expectation. Orders had been given for a general illumination of the streets along the whole line of the procession. The

lamps were displaying their variegated colors in advance, and the inventive genius of the city was upon the rack for designs to represent in elegant and classical devices the happiness of the land, under the paternal government of the sailor king. The prudent and thrifty shop-keepers had let their front windows for the day at prices nearly equivalent to their rent for the year, and strangers had flocked from all parts of the united kingdom to tell their grand children hereafter that they had seen King William feasting with the Lord Mayor of London. All the invitations had been issued, and large sums had been offered and refused for tickets of admission. Wise precautions had also been taken to prevent tumults and preserve order among the multitudes of people who were expected to be assembled. Six thousand citizens of the livery of London were to line the streets, and nearly two thousand special constables had been qualified by oath in aid of the police.

In the midst of all this excitement and apparatus of preparation, a project of personal violence at least upon the Duke of Wellington was formed, or was apprehended by some of the city authorities. It was threatened in multitudes of inflammatory handbills posted on the walls throughout the city. The Lord Mayor elect was so alarmed by these and by other indications reported to him, that he wrote a letter to the Duke apprising him of the danger to which there was reason to fear he might be exposed, and advised him to come to the banquet under

the protection of an armed escort. In consequence of this information two successive cabinet councils were held, one of which lasted till midnight. Communications were opened, and continued through a whole day between the home department and the government of the city, and late in the evening of the seventh of November, the committee of arrangements for the banquet deemed it their duty to give publicity to a letter received at nine o'clock of the same evening by the Lord Mayor from the secretary of state, Mr Peel, of which the following is a copy.

WHITEHALL, NOV. 7.

‘MY LORD, — I am commanded by the king to inform your lordship, that his majesty’s confidential servants have felt it to be their duty to advise the king to postpone the visit which their majesties intended to pay to the city of London on Tuesday next.

From information which has been recently received, there is reason to apprehend, that notwithstanding the devoted loyalty and affection borne to his majesty by the citizens of London, advantage would be taken of an occasion which must necessarily assemble a vast number of persons by night to create tumult and confusion, and thereby to endanger the properties and the lives of his majesty’s subjects.

It would be a source of deep and lasting concern to their majesties were any calamity to occur on the occasion of their visit to the city of London, and their majesties have therefore resolved, though not without the greatest reluctance

and regret, to forego, for the present, the satisfaction which that visit would have afforded to their majesties.

I have the honor to be,

My Lord, your ob't. serv't.

ROBERT PEEL.

The Right Hon., the Lord Mayor.

This letter, it will be perceived, takes no notice whatever, of the real danger, of which the Lord Mayor elect had apprized the Duke of Wellington—an attack upon his own person. It cannot reasonably be doubted, that this danger was real. But it was probably not of a general character, nor menacing so much to the properties and lives of his Majesty's subjects, as to the person of the Duke. The exasperation of the populace was at that precise moment so great against him, on account of his recent peremptory declaration against reform, that it is not unlikely if he had gone unprotected in the royal procession, he would not have returned alive. That the hero of so many bloody days, the conqueror who had received thirteen times the thanks of both Houses of Parliament for vanquishing the enemies of his country, should shrink from attendance at a royal banquet in the metropolis of the Realm from the terror of being torn to pieces by an infuriated rabble, is among the phenomena of the times which for the credit of human nature we would readily disbelieve, but that nothing less than an imminent danger of life would have induced him to endure this unparalleled mortification of consenting to the postponement of the

royal visit to the city, to save *him* from the brutality of the mob, carries its evidence in the nature of the transaction itself.

But as the real danger which had been notified by the letter of the Lord Mayor elect, to the Duke, was masked in the letter from Sir Robert Peel to the Lord Mayor, by the substitution of another and a very different danger, the panic of the Ministry, thus communicated to the public mind, assumed yet another form, and nothing less than a Guy Fawkes gun-powder plot, to blow up King, Lords, and Commons at a blast, was supposed for a moment to have been detected, and alarm and terror took possession of the whole city. — Not only was the royal banquet postponed, but the ordinary and immemorial celebration of the Lord Mayor's Day, with its pompous procession, and its festive dinner were pretermitted — the public funds fell four per cent in one day. The people of London were disappointed of their holiday — the shopkeepers of the profits of their front windows: the tradesmen of their quickened circulation of sales, and all were in a fearful looking for, of some tremendous explosion.

The next morning, occasion was taken from it for a spirited assault upon the ministry in both Houses of Parliament. They were called upon to assign the causes of this great and sudden manifestation of royal alarm. No evidence of a plot or conspiracy threatening the properties or the lives of his Majesty's subjects, nor yet against his Majesty's Government

or person, could be adduced — the only document of terrific import they could bring forward was the private letter of Alderman Key the Lord Mayor elect to the Duke of Wellington, advising him of the danger to which his person might be exposed if he should come without an armed escort, in the procession with the King. That the victor of Assai's bloody plain, and the vanquisher of Napoleon at Waterloo should flinch from the exposure of his person amid the multitudes of his own countrymen, following his king to the joyous gratulations of the people upon his accession to the throne was an attitude, mortifying enough to the hero — and portents of downfall to the Prime Minister of State. Meetings were immediately convened of the corporate city authorities, the Common Council and Court of Aldermen, at which a rigorous reply and examination was instituted into the causes of this extraordinary ministerial fit of vapors. The tears of Alderman Key, who acknowledged he had written the letter, were regarded as visionary, and he and the Duke of Wellington were jointly and severally turned over to the Pie-powder court of caricaturists and ballad-singers.

On that same day it was the fortune of the Ministers to bring forward the first of the measures which could test their strength in the new parliament. The plan for the settlement of the civil list — that is of annual public income to be settled upon the King.

It was presented by the Chancellor of the Exchequer, Mr

Goulburn. The civil list, is in plain English, the salary, or as in this country we should call it, the annual *compensation* of the king. It has usually, since the accession of the Hanoverian family, been settled by parliament upon each king for life, immediately after his accession to the crown. It is a provision not merely for the personal and household expenses of the king; but includes many items of a character altogether national. Such for example as the salaries and support of ambassadors and ministers to foreign powers. The establishment of the civil list distinct from the other charges of the state was created by the first of Queen Anne, chap. 7, March, 1701. But neither the amount of the sum thus granted, nor the modes of levying the money, nor the objects of expenditure provided for by them have been uniform. There had been sometimes grants of hereditary revenues to the crown, and there were revenues of like character accruing from rents of crown land, and also from the Duchies of Cornwall and Lancaster, and from the county palatine of Chester. These were dignities held separately from that of the royal crown, and produced an income usually considered as the private property of the King. The annual amount of the grants which constituted the civil list, had at first been from six to seven hundred thousand pounds sterling, but it had been gradually increasing at the accession of every king, and found encumbered with a considerable debt, at the close of every reign.

During the long reign of George the Third there had been at different times, different parliamentary dispositions of the civil list. It had been fixed at first at an average of about eight hundred thousand pounds, but constantly contracting debts for which supplementary provisions had been found necessary. In presenting his bill the Chancellor of the Exchequer had estimated the civil list as settled upon George the Fourth at 1,221,600 pounds sterling—from which a deduction was to be made of charges for which he proposed to provide, leaving one million and fiftysix thousand pounds, as the object for comparison with that which he was to propose. This was an annuity of 970,000 pounds; and thus a reduction of eightyfive thousand pounds, upon the civil list of the preceding reign.

The first entanglement in which the ministry became involved, upon this statement was by the disclosure elicited in debate, that the surrender of the hereditary resources so emphatically announced in the royal speech was not intended to include the hereditary revenues of the Duchies—and when this explanation was extorted from the minister, a laboring and learned argument to prove that the revenues of the Duke of Lancaster and Cornwall were not the revenues of the Crown of England, did not satisfactorily answer the charge that the ministers had put into the mouth of his majesty a promise of disinterested generosity more extensive than he was ready or willing to perform. The distinc-

tion between the royal and ducal titles in the same person, had fifty years before been consigned to ridicule by the imperishable eloquence of Edmund Burke in his speech upon economical reform, and the revival of it now in grave debate to curtail the ostentatious generosity of the king, gave it an air at once of craftiness and ill faith, bargaining by an ostensible gratuity for a profusion of allowance in the civil list.

The statements of the Chancellor of the Exchequer were all presented in the fairest points of view to induce the belief that a great reduction of expenditure would be the result of his plans, and he expressly alleged the surrender of the hereditary revenues, as imposing upon Parliament the obligation of liberality in the grant to the crown. But the statements were controverted. The whole amount of the hereditary duties surrendered, was proved by Mr Hume not to exceed twentyfour thousand pounds. The classifications of expenditure on the ministerial plan were denounced as incorrect and the plan itself as unintelligible, fallacious, and extravagant. The debate was adjourned over to Monday the 15th of November, and then renewed with invigorated opposition. A motion was finally made by Sir Henry Parnell for the appointment of a committee of inquiry, not to examine witnesses, or to call for persons and papers, but to verify the statements of the minister. The result of this motion, which succeeded, though in form amounting merely to a com-

mittee of inquiry to verify a statement of estimates, was in substance equivalent to a declaration that the ministry had lost the confidence of the House of Commons and was so understood by the Duke of Wellington and his colleagues. It was carried by a majority of 233 against 204 — a majority in a very full house of 29 against the ministers. The next morning, the Duke of Wellington in the House of Peers, and Mr Peel, the ministerial leader in the Commons, announced that they had tendered to the king the resignation of their offices, which had been accepted. All important parliamentary business was of course suspended till the new administration should be completed.

In the interval between the commencement of the debate upon the civil list, and its termination, Mr Herries introduced in the House of Commons the new schedule of duties upon the trade between the United States of America and the British Colonies in America. Upon which occasion he took credit to the ministry for their exemplification in this case, of the principle which Mr Huskisson had avowed, as fundamental to the commercial policy of Great Britain — not only of promoting her interest, but of depressing that of her rival. Upon one of the items, that of one shilling and two pence, on every quarter of corn imported from the United States to the West Indies, a division took place of 136 in favor of the duty to 36 against it. The bill was introduced to secure for British navi-

gation in this intercourse the whole benefit of carrying the article imported from the United States into the West Indies; an advantage which the minister expected to derive from the arrangement recently made on that subject with the American Government. On the 15th of November, the day of the vote against the ministry upon the civil list in the House of Commons, the Lord Chancellor Lyndhurst brought into the House of Peers the bill for the contingent establishment of a Regency, in the event of the accession to the throne of the Princess Victoria, daughter of the deceased Duke of Kent, presumptive heiress to the crown, before she should attain the age of 18 years.

And thus terminated the administration of the Duke of Wellington, after a turbulent existence of little less than three years — among the singularities of which is that the only act which will signalize it for the approbation of posterity, is an act of political apostasy from his own principles.

The experience of all ages and of every region of the globe has proved that the principle of gravitation in physical nature is not more universal, than that of military achievement and renown to the government of the state —

*Le premier qui fut Roi, fut un Soldat heureux —*

many of the most important qualifications for a commander of armies, are equally necessary for the ruler of nations, and the common judgment of mankind which always moves in masses, never fails to conclude that victory in

the field, is the infallible test of wisdom in council. This inference has not always been confirmed by subsequent events, and military chieftains have not always proved the wisest or the best of civil governors. The Duke of Wellington, bred from childhood a soldier, and having passed through a military career of unrivalled splendor, or at least success, had himself declared the consciousness of his own incompetency to the chief management of the affairs of the nation, within one short year before he had undertaken it. The opinion of his incompetency was not confined to himself. It was shared by all the distinguished statesmen of the realm, of all parties, but not by the great body of the people.—He had received a liberal education at Eton school; had held many important civil offices; had conducted for a series of years the most important negotiations, and as a member of preceding administrations, and of both Houses of Parliament had the most familiar acquaintance with all the great concerns of the country, with all the forms of proceeding in the national councils, and all the principles upon which the government had for a long series of years been administered. The people could not believe that such a man was incompetent to hold the reins of Empire. He received them from the hands of Lord Goderich, voluntarily surrendered by him, as unmanageable by mere plain good sense and honest intentions. The quality which had appeared to be most deficient in his administration was

energy, and of that the Duke of Wellington had a Benjamin's portion. In the conduct of public affairs, this quality is as indispensable in peace as in war. In both it may sometimes for a considerable period supply the place of discretion, but whoever at the head of the nation, relies upon it entirely will, as was said by his brother the Marquis of Wellesley of Napoleon, *prepare for himself great reverses*.

Military command, essentially consists in the unobstructed exercise of the *will*, over the action of others. The tendency of successful command, is to inspire disproportionate self confidence, and impatience of control. It produces a disposition to underrate the value of council, and sometimes an indisposition to receive it. Frederick the Great laid it down as a maxim, that a General who wishes to do nothing has only to call a council of war. Decision is the most efficient quality for the gain of battles, and when it has often been exerted with great success, it leads to an under estimate of deliberation, and an irksomeness at receiving advice. In the selection of his associates for the discharge of civil trusts, a military commander will, therefore, be apt to prefer subaltern to pre-eminent talents, and subserviency to his will, rather than a bold spirit and independent judgment. Such was the character of the Duke of Wellington's administration. The scantiness of talent among his colleagues was a subject of general remark, and their submission to his will was not less conspicuous

than their inability by the process of their understandings to form and sustain one of their own.— This domineering temper was manifested throughout his whole ministerial career, and never more emphatically than in the peremptory declaration against parliamentary reform, which brought it to a close.

To the general deficiency of talents in the Duke's administration, an exception must be made in behalf of Sir Robert Peel, definitively its leader in the House of Commons, a man far more competent for the head of a ministry than the Duke himself.— There was for some time another exception in the person of Mr Huskisson, of whom, probably for that very reason, the Duke disembarrassed himself with as little of ceremony in point of form, as of delicacy in substance. In the correspondence which accompanied his expulsion from the ministry, the trampling of a more resolute purpose upon a more intelligent mind was exhibited in glaring light. The melancholy death of Mr Huskisson preceded, only by a few months the Duke's ministerial downfall; and if his spirit could then retain any portion of earthly resentment, and had any consciousness of the latter event, it might be soothed by the recollection that it was his vote upon the disfranchisement of East-Retford, involving the question of parliamentary reform, which the Duke's political intolerance had punished by driving him from the highest councils of his country.

On receiving the resignations of the Duke of Wellington and of

Sir Robert Peel, the king asked them separately to whom he should apply to form a new ministry, and they both recommended Earl Grey. He was accordingly sent for at 5 o'clock on the 16th and received the royal command to form a cabinet—the king declaring that the Duke of Wellington had his undivided confidence when minister, and that it would equally without reserve be transferred to his successor. This declaration was well received by the public, and contributed largely to increase the personal popularity of the king. As an exemplification of the individual nullity of a king of England in the administration of public affairs it is remarkable. A transfer of unqualified confidence from a tory to a whig ministry, produced by a single vote for inquiry of the House of Commons upon a bill for the establishment of the civil list, if the king were in any case responsible for his political principles would indicate little steadfastness of character. The king as Duke of Clarence had been an uncompromising tory, from the first explosion of the French Revolution. So sudden and total a change of principle, not merely with regard to a single measure like that of Catholic emancipation, but to a whole system of policy for the management of the affairs of the kingdom at home and abroad, would not have been tolerated in any responsible individual. In the king it was generally approved as an act of signal homage to the principles of the Constitution.

The new Ministry was an-



nounced on the 23d of November, composed as follows :

First Lord of the Treasury, Earl Grey.  
 Lord Chancellor of England, Lord Brougham and Vaux.  
 Secretary of State Foreign Department, Viscount Palmerston.  
 Secretary of State Home Department, Viscount Melbourne.  
 Secretary of State Colonial Department, Viscount Goderich.  
 President of the Council, Marquis of Lansdowne.  
 Lord Privy Seal, Baron Durlam.  
 President of the Board of Control, Charles Grant.  
 President of the Board of Trade and Master of the Mint, Lord Auckland.  
 Chancellor of the Exchequer, Lord Althorpe.  
 First Lord of the Admiralty, Sir James Graham.  
 Chancellor of the Duchy of Lancaster, Lord Holland.  
 Postmaster General, Duke of Richmond.

#### SUBORDINATE APPOINTMENTS.

Lord Chamberlain, Duke of Devonshire.  
 Secretary of War, C. W. Wynne.  
 Commander in Chief of the Army, Lord Hill.  
 Chief Commissioner of Woods and Forests, Agar Ellis.  
 Master General of the Ordnance, Lieut. General Sir Edward Paget.  
 Lord Lieutenant of Ireland, Marquis of Anglesey.  
 Chief Secretary for Ireland, Mr Stanley.  
 Attorney General, Sir Thomas Denman.  
 Judge Advocate General, R. Grant.  
 Solicitor General, Sir W. Home.  
 Lord Chancellor of Ireland, Lord Plunkett.  
 Vice President of the Board of Trade, Poulet Thompson.  
 Attorney General of Ireland, Mr Pennefather.  
 Paymaster of the Forces, Lord John Russell.  
 Surveyor General to the Board of Ordnance, Sir Robert Spencer.

In this list we find Mr Henry Brougham, transformed into Lord Brougham and Vaux, Lord Chancellor of England. The metamorphosis was not effected without some difficulty. He had come into the new Parliament, with highly augmented consideration, as a member for Yorkshire.

His warfare during the interval between the two Parliaments against the ministry had been incessant, and he had come full charged with projects of parliamentary reform, and for the abolition of slavery in the British Colonies. His attack upon the administration, in the first debate on the address in answer to the royal speech, had been vigorous and impressive, and the overthrow of the ministry had been attributed more to him than to any other man. It was foreseen that while he remained in the House of Commons, no administration could be safe without his aid, and it had been supposed that this could be obtained upon more moderate terms than it was found his own estimate of his importance required. Before the change of ministry had taken place, he had given notice of an intended motion for Reform of Parliament, and when the resignation of the ministers was announced by Sir Robert Peel in the House of Commons, upon the postponement, with other business, of his motion, Mr Brougham said that *as no change of ministry could affect him*, he should certainly call up his motion, on the 25th. On the 23d he took his seat upon the Woolsack as Lord Chancellor, much to the surprise of the new opposition, and of the public, and not without severe animadversion. It was understood that Earl Grey would have preferred to retain him as the ministerial leader in the House of Commons, but that Mr Brougham could not be retained. The Peerage and the Woolsack, were a *sine qua non*

to him, and he received all approaches of the new Premier with a lofty indifference, intimating significantly that he might not without hesitation accept the Peerage and the Chancery as equivalent for the representation of Yorkshire. These scruples were however not of long continuance; for on the 22d a patent of Peerage was made out, and the next day he presided in the House of Lords.

Earl Grey upon presenting himself to that House as the head of the new administration, made a speech in which he declared that the principles of his government should be economy and retrenchment at home; non-intercourse with the internal affairs of other nations; and a Reform of Parliament in the House of Commons. These were now the *popular* doctrines of the British nation.

Thenceforward, a new system of government was to direct the fortunes and regulate the affairs of the British Empire.— But retrenchment and economy had been the avowed purpose of the preceding and indeed of all preceding administrations; even of the most extravagant and profuse. At one of the most wasteful periods of British history, when the annual provision for fifty millions sterling of expenditure was called for, from Parliament, a member of the ministerial board solemnly declared to the House of Commons that the Government never spent a shilling without looking at both sides of it. A standing theme and hackneyed boast of the royal speeches to Parliament was economy; and the common effort of the ministers,

from time immemorial, has been to find out some paltry superfluity to curtail, and to blazon it forth as a sinking fund to the national debt.

The retrenchments of Earl Grey will not materially differ from those of his predecessors, and as economy is always a relative term, resting not upon the *amount* of expenses but upon the circumstances and means of the expending party upon the collateral condition of others and upon the manners, fashions and customs of the times, he like others has found it more easy to promise in Parliament than to introduce it into the complex machinery of the Executive Government. The disclaimer of all interference in the internal affairs of other States is also a principle subject to much qualification. If by speaking of the king's endeavors to *restore* good government in the Netherlands the Duke of Wellington had intended to announce the determination to restore the dominion of the House of Orange in the Belgian Provinces, it was certain that object would not be further pursued under the Administration of Earl Grey—but the protocols of the five powers at London have too often and too imperiously dictated to the people of Belgium their own destinies to be rigorously reconcilable with the principle of non-intervention. The undoubted desire both of the Belgian and of the French people was the re-annexation of Belgium to France. It was also the unquestionable interest of both.— Belgium is geographically part of France as much as the Depart-

ment of the Seine. The language, the religion, the manners and customs of Belgium are French. Every political and moral consideration, that can influence the minds of the people points to their re-union with France, and they have felt and acted accordingly. They at first frankly solicited that re-union, but the Protocol of the five powers fulminated an interdict upon that. They next chose the Duke de Nemours for their king, and Louis Phillippe under the rescript of the five Powers pronounces a prohibition upon that. Lastly, by dint of mere overbearing importunity, the five Powers prescribe Prince Leopold of Saxe Coburg, whose only earthly qualifications for the office were that he had been the husband of the Princess Charlotte, and was a British pensioner, to the Belgian People for their King. This Prince whom the five Powers appear to have considered as a *Passe-partout* of a kingdom — a standing *Raffler* for royal crowns, had acquired some reputation for good sense, by perceiving that he was utterly unfit for the office of King of Greece; but he lost it all again by accepting the crown of Belgium, by the election of the five Powers through the constrained suffrages of the Belgian Congress. He accepted the Crown and took the command of the Belgian army, who, as might have been expected under such a leader, at the first sight of the enemy fled for their lives; and then, as if to cap the climax of absurdity in the proceedings of the dictatorial protocols, a French army step in to

rescue the fruits of his victory from the King of Holland, and the Belgians from his impending vengeance.

All this has been done under the auspices of Earl Grey, and since his proclamation of the principle of non-intervention for a governing maxim of his administration.

His project of parliamentary reform remains. This was now for the first time declared to be the deliberate purpose of the government itself. And this may be considered as a new era in the history of the British Islands. It must be obvious to every one that a reform of the popular representation in the House of Commons, and an abridged duration of Parliaments, are of little importance in themselves, compared with the consequences to which they tend. Its first effect must undoubtedly be a great accession of relative strength to the democratic branch of the Government, and a redoubled impetus to the power of public opinion. Whether this advantage will be purchased by the loss of stability in the continued agency of the ruling power — whether the spirit of reform once firmly seated in Saint Stephen's chapel, will submit to the restraints upon its own action hitherto deemed salutary, or restrain itself within the bounds of moderation, is to be disclosed hereafter. A reformed House of Commons adds not one kernel of wheat to the harvests of the land — it feeds no paupers — it pays no tithes — it leaves the national debt with its intolerable burdens as it was before. Burdens under

which a represented people will not be silent.

The elevation of the new ministry to power was so sudden, and the principles declared by Earl Grey to be the basis of his administration were so widely different from those which until then had prevailed, that time was obviously necessary for preparing and maturing his plans, as well of retrenchment and economy as of reform. Those of the ministers who were selected from the House of Commons, by accepting offices from the crown, vacated their seats; and although re-eligible, were necessarily absent from the House until returned again. Nothing of importance was transacted excepting the passage of the Regency Bill before the Christmas holidays, and on the 23d of December Parliament adjourned over to the 3d of January of the ensuing year.

In the meantime the condition of the kingdom afforded but a sorry commentary upon the boast in the royal speech at the opening of the session, that the English people 'enjoyed more of all that constitutes social happiness, than has fallen to the lot of any other country in the world.' At the very moment when these words were spoken, organized bands of famished farmers were ranging round twenty counties of England, and almost within hearing of the royal voice, breaking all the agricultural machinery they could lay their hands on, and consuming corn-ricks, haystacks, barns and dwelling houses with fire. The distress,

which has been depicted as we have seen in such glowing colors in the numerous petitions to the former Parliament, continued with increasing aggravation; and the disorders, fore-announced in some of those petitions, had broken out with great fury. The constant and regular operation of the national debt, and its oppressive taxation, aggravated by that of the tithes, had, as we have observed, divided the nation into three great masses of population; one with overgrown wealth — one of paupers unable to obtain subsistence by their labor; and an intermediate class, just above indigence, but gradually sinking into and swelling the number of the totally destitute division. The landed property of the kingdom has at the same time, and by the operation of the same causes undergone a corresponding mutation. The small farmers have been obliged to sell their estates, to hold them as tenants upon rent. Time was in England, says Goldsmith, when 'every rood of ground maintained its man.' There are now no small freeholders in England. The race is as completely extinct, as that of the Squire Westerns of Fielding. The landed estates are principalities — leased at heavy rents and cultivated by poor laborers at wages barely sufficient for their subsistence. The invention of labor-saving machinery throws vast numbers of these out of employment, and then they fall upon the parish. The burden of the poor rates increases with the number of the poor. The quantum of allowance

to these being discretionary with the overseers, was reduced to the very borders of famine, and the result was, to gather in every parish multitudes of able bodied men almost starving, idle for want of employment, associating together under the pressure of common wants, instigated to violence by a sense of injustice in the opulent landholders around them, and stimulated to fury against the machinery, which by removing the necessity for their labor took the bread from their mouths. In the County of Kent, great bodies of them had assembled to break agricultural machinery, and to compel the farmers, proprietors and magistrates to raise the rate of wages, while incendiaries had set fire to stack-yards and farm-houses. A general combination seems to have been formed among them, the objects of which were: 1. To destroy the labor-saving machinery. 2. To force the farmers to give them constant employment. 3. To raise their wages—and for the attainment of their objects, there was a double system of operations, partly public and partly secret. The combinations for the destruction of machinery, and forcing employment, were open and undisguised. The incendiary practices were secret. On the 29th of August, at Hardres in Kent, four hundred agricultural laborers destroyed all the threshing machines in that neighborhood. Towards the middle of September, two meetings of magistrates, and one of farmers, were held, at which Resolutions were passed for suppressing these disorders, and a reward

of five hundred pounds was offered for the conviction of the ring-leaders in these transactions. The rioters committed no other depredations of property; but broke up the machinery, or compelled the owners to break it up themselves. 'Where they failed of this, they burnt the barns and wheat stacks. Individuals received by post, letters signed by the signal word *Swing*, threatening the destruction of their houses and barns by fire, and the execution failed not to follow upon the threat. The same portentous word appeared written in chalk on all the walls of Dover, and for several miles on the road to Canterbury. Nine of the machine breakers were tried, and six of them were convicted at the Sessions of East Kent; they were sentenced to three days' confinement and hard labor, after which the burnings and destruction only became more extensive and more frequent. At Lenham, two hundred of the rioters, assembled for the avowed purpose of destroying machinery, met and parleyed with the Earl of Winchelsea. They heard him patiently, and declared that want of work was the sole cause of their straying from their homes, and that they had not the means of procuring food for themselves or their starving families.

At Guestling, near Hastings, the paupers held a meeting and gave notice to the heads of the parish to attend. About a hundred and twenty laborers were assembled; their demand was a rise of wages to 2s. 3d. a day in winter, and 2s. 6d. in summer. The clergyman, whose demand

upon the parish had been raised to 800*l.* a year, was required immediately to give up 500*l.* a year to their employers in order to enable them to comply with their demands; a requisition to which he immediately agreed.

From Kent the work of destruction rapidly spread into the adjoining Counties, and nightly fires were seen blazing in Sussex, Surry, Hampshire, Oxfordshire, Wiltshire, Berkshire, Buckingham, Hertford, Bedford, Northampton, Huntingdon, Cambridge, Suffolk, Norfolk, Lincoln, and even in some of the northern counties. The exertions of the magistrates to discover the incendiaries were unavailing. Several persons were arrested upon suspicion and discharged for want of evidence to convict them. The destruction of the machinery was effected in broad day, by parish paupers, who assembled in bands; visited the dwelling houses of the farmers, and sometimes formally sent deputations to demand the keys of the corn houses in which the obnoxious threshing machines were kept. But their movements were regulated by hands unseen, of higher intellectual powers. The letters signed 'Swing,' were conveyed with impenetrable secrecy to the persons addressed, and the inevitable destruction by which they were followed gave them almost the inexpressible terror of a supernatural visitation. In some cases an explosion resembling the report of a gun immediately preceded the bursting out into flames of the stacks and barns. The fires therefore could be accounted for only by the sup-

position that they were kindled by chemical preparations, thrown into them by persons in concert with the laborers — of these the usual mode of proceeding was to call a meeting of farmers, and meet them, in numbers from two to six hundred, and sometimes many more — and then they presented their list of grievances, and demanded employment and wages at the rates above mentioned. In some instances they were successfully resisted, but in general the farmers were obliged to comply with their demands. At Avington House, the seat of the Duke of Buckingham, the inhabitants of three villages came in a mass were sworn in as special constables, and kept watch round the house for three successive nights. The same thing was done near Winchester, and in the neighborhood of Hanburg. The inhabitants of Brompton, led by their clergyman, met the rioters and overpowered them, taking their ringleader and ten of his companions into custody. Military aid was in several cases called in. A conflict between the Hindon troop of cavalry and a body of more than 500 rioters in Wiltshire, terminated by a charge in which several were wounded, and one man was killed. At Ringmer, Chichester, Eastbourne, Lamborhurst and numerous other places, the farmers saved their families and their property only by complying, or by compounding with the demands for employment and increased wages. Of these fires there were, in the space of four months, upwards of one hundred and twenty, at

each of which the destruction and loss of property cannot be estimated at less than an average of one thousand pounds sterling to each fire; the destruction of machinery included. There was no political principle connected with these disorders; no demand for Reform of Parliament; no clamor against the aristocracy, nor even against the payment of tithes, was heard among them. It was the cry of famine for bread. The onset of hunger, breaking down stone walls. It was the last result of extreme taxation; of which an enormously disproportionate national debt is the cause, and no mathematical proposition can be more clearly demonstrated than, that until the cause is removed there can be no permanent pacification of these disorders.

Under the influence of the panic excited by these assemblages and of the outrages committed by them, the magistrates upon whom they called to meet and confer with them, gave in several of the counties, their sanction to the engagements which they extorted from the farmers of increased wages, constant employment, and the discontinuance of the use of machinery. This momentary remedy served only to aggravate the disease. The Marquis of Lansdowne, Secretary of State for the home department, issued on the 8th of December a circular, explaining to the county magistrates their legal inability to make such arrangements and pointing out the pernicious tendency of acts grounded upon such principles. — 'The magistrates,' he observed 'had no power to

fix the amount of wages; and any interference in such a matter could only have the effect of exciting expectations which must be disappointed and of ultimately producing in an aggravated degree, a renewed spirit of discontent and insubordination.'

It requires no argument to prove that in a land of freedom, the magistrates of a county can as little possess the authority to compel individual farmers to employ more workmen than they need, or to pay them higher wages, than by voluntary consent they stipulate, or to abstain from the use of labor saving machinery, as a riotous assemblage of starving laborers. The moment the freedom of the will is taken away from operations such as these, the relations of society are changed, and the community becomes an association not of freemen governed by equal laws, but of masters and slaves under the dominion of arbitrary power. But the oppression upon the farmer under such compulsion may be further illustrated by its necessary consequences. He holds the farm upon a lease for which he is to pay rent to his landlord. The amount of that rent must be calculated upon the prospective product of the land, deducting all the necessary charges of cultivation and leaving a profit to the farmer sufficient for his own subsistence, and that of his family. The use of machinery, reduces the charge of expense for labor. The rate of wages serves him as a rate to calculate the expense of tillage and the amount of rent that he can afford to pay. Deprive him of

his machinery, force him to employ double the number of workmen that he needs, and to pay them double the amount of wages to the rates which the market would command, and you rob him of all the profits of his labor, you deprive him of the ability to fulfil his engagement with his landlord. The rent day comes with a *distress*. The farmer is ruined, and the landlord remains unpaid. He too has his engagements, which the loss of his rents disables him from fulfilling, and among them are the grinding taxes payable to the government; these press him down into insolvency, and react again to depress the value of land. Thus ruin spreads over the whole country, and the people become prepared for any revolution. On the other hand, a system of policy, the result of which is to ~~congregate~~ in great numbers, a mass of population in idleness and want, without occupation and without subsistence must be essentially vicious; no external air of prosperity can disguise the essential wretchedness of a nation in such a condition, no reform of Parliament can reach this evil. It is susceptible only of one remedy and that is, relief from excessive taxation.

Besides the employment of military force to suppress these disorders, and the admonition to the magistrates of their incapacity to establish a compulsive rate of wages between the farmers and laborers, the government appointed two special commissions, one on the western and another on the midland circuit, for the trial of the numerous prisoners appre-

hended in the commission of these daring outrages. One of these commissions was opened at Winchester on the 20th and the other at Reading on the 27th of December. Three hundred prisoners were tried by the commission at Winchester, six of whom were sentenced to death and eighty-eight to transportation for life or for terms of years, after which the commission proceeded to the trial of nearly an equal number of offenders at Salisbury. At Reading one hundred and thirty-eight of the rioters were tried and all sentenced to transportation except two, who were capitally convicted. Thence the same commission proceeded to Aylesbury for the trial of the prisoners apprehended in the county of Bucks.

The immediate effect of these commissions was to shorten the imprisonment of the offenders, who must otherwise have waited for their trial, at the assizes in the following spring—this abridgment, besides relieving the prisoners themselves from the anxieties and agitations of a long term of imprisonment, had a tendency to quiet the alarm and terror of their families and relatives, and to tranquillize the parishes and villages to which they belonged. They afforded the opportunity for a solemn and public exposition of the law, by the judges; of convincing the laboring classes that their condition could not be bettered by such tumultuous and riotous proceedings, and the magistrates that no compliances on their part, with the dictation of a lawless multitude was within the



compass of their authority or could become obligatory by their sanction. A more important result of the trials was the collection and exhibition of a mass of evidence on the moral condition and physical sufferings of the agricultural laborers and working classes connected with the cultivation of the soil, more impressive than could be obtained by petitions to Parliament or reports of committees of inquiry upon the operation of the poor laws and the corn laws. The intellectual condition of the classes of people reduced to such extremities had never formed a subject of parliamentary inquiry. — It was displayed in the evidence upon these trials, by demonstration which could not be mistaken. The greater part of the prisoners, were so utterly ignorant of the law, that they had no conception they were infringing it by breaking up threshing machines, by insisting upon constant employment from the farmers, or by exacting from them wages adequate to the comfortable subsistence of themselves and their families. The distinction which they made between the destruction and the robbery of property had, perhaps, some foundation in the law of nature; and even the nightly fires which spread terror and desolation over a whole region of country, were kindled by a semblance of public spirit, which seemed in their eyes to be patriotism. The instances of depredation or plunder were rare — those of deliberate personal injury still more so. There was nothing ferocious, nothing cruel, in the

most desperate of their proceedings; and even in kindling the fires which consumed the fruits of the harvests and the dwellings of their owners, they appear to have been impelled by no stimulant of malice or animosity against individuals.

By what system of reasoning they had been brought to the practical exercise of such a theory with regard to the rights of property, perhaps it might not be possible to discover, but the proceedings of the special commissions could not fail to undeceive them. In the conflicts between the rioters and the military forces brought out against them, it does not appear that more than one of them lost his life, but the execution of a small number of incendiaries and the transportation of several hundreds of the frame breakers, soon brought their associates to a juster sense both of the substance and the power of the laws and in the course of a few weeks tranquillity and peace, at least apparent and temporary, was restored to the disordered districts.

The sessions of the commissions continued into the year succeeding that of which we now close the account. Here for the present we rest. The year 1830 will long be memorable in the annals of England, of Europe, of Christendom, memorable for the recoil of freedom upon her oppressors — memorable for the triumph of the revolutionary principle, not less over the sanguinary spirit of anarchy, than over the iron yoke of military power and renown. Three days of spontaneous and unorganized popular

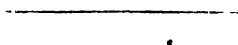
resistance 'toppled down headlong,' for the third and it is to be hoped last time, the 'elder Branch of the House of Bourbon.' Blood was shed to achieve the victory, but none in the triumph. The first example of moderation and mercy, has been exhibited in the conflict between kings and people, on the *popular* side. Charles X. detected in the very act of complicated perjury to his royal oath, and of usurpation upon the rights of his people, has been expelled but suffered to live; the Ministers by whom he was counselled, more culpable even than himself, have been saved from vindictive fury, monuments of magnanimous forbearance in an exasperated people. In England, the Revolution has been entirely bloodless. The result not of popular commotion, but of public opinion matured by the irresistible progress of reason against thrones, dominations, princedoms and powers. The changes in England have yet assumed only the mild and placid aspect of reform. But by many, even of the benevolent and the wise, reform is dreaded as the herald and precursor of revolution; of sanguinary revolution, subversive of all social order, and destructive to all religion. Let us hope better things. When the feudal monarchy of France fell in 1789 before the republican spirit of the age and the principles of North American Independence, it was soon discovered that it could not fall alone. It sounded the hour of all the feudal institutions of Europe. But what the spirit of evil is competent to destroy the spirit

of good alone can create. After twentyfive years of exterminating wars, and the overthrow of almost all the ancient institutions in Europe, all the wisdom and all the power of the European many could accomplish no more than to patch up the tatters of old feudal monarchy with the modern rags of popular representation. And in restoring Louis XVIII. to the throne the only compromise which they could effect between ancient prejudice and new principle was, to allow him to date the commencement of his reign twenty years in arrear, and to oblige him to grant by a charter to his people, a semblance of popular representation in the legislature. Twentyfive years of bloody experience had taught the rulers of the old monarchies of Europe nothing but a tenfold horror of innovation. The Inquisition and the Jesuits were restored with the monarchies, and the charters were yielded to the necessities of the time, only to be undermined or overthrown as the favorable opportunity might occur. Candor constrains us to acknowledge that for the reconstruction of the social edifice the reformers have been as feeble and inefficient as the adherents to the dilapidated institutions of antiquity have been stubborn and unteachable. Of all the constitutions fabricated during the revolutionary period in France, in Spain, in Portugal, not one has proved able to sustain itself for a term of seven years. The events of the last half century have formed multitudes of consummate military chieftains — multitudes of eloquent orators, multitudes of emi-

ment statesmen. A legislator has not yet been found. The only man of legislative mind, which Europe has produced in the age now departing, was Edmund Burke, and his genius took the direction of sustaining ancient institutions, and rejected that of devising and maturing new ones. Whether it was even equal to this may be doubted — certain it is, that neither his age nor his country were prepared to receive that which he might perhaps have been competent to produce and to combine. Now, far more than when he lived is the time, when the Island of Albion needs a legisla-

tor, a mind not of the modern stamp but a Solon, a Lycurgus, a Numa. A legislator for herself, disencumbered of her Sister Island, which also needs a legislator of her own. In closing with this reflection we cast our eyes over the catalogue of the Whig and Tory statesmen now figuring upon her political theatre, and all is desolate and barren. Instead of a Solon, a Lycurgus or a Numa, we see nothing but men of diminutive intellectual stature, the summit of whose ambition it is to pass with their own and after ages, for

**BRITISH STATESMEN.**



# APPENDIX.

## EXECUTIVE OFFICERS

### OF THE UNITED STATES OF AMERICA.

	<i>Nativity.</i>	<i>Salary</i>
Andrew Jackson, President,	S. C.	\$25,000
John C. Calhoun, Vice-President,	S. C.	5,000
Martin Van Buren, Secretary of State,	N. Y.	6,000
Samuel D. Ingham, Secretary of Treasury,	Penn.	6,000
John H. Eaton, Secretary of War,	Penn.	6,000
John Branch, Secretary of the Navy,	N. C.	6,000
John M. Berrien, Attorney General,	Geo.	6,000
William T. Barry, Post-Master-General,	Ken.	6,000

## JUDICIARY

	<i>Nativity.</i>	<i>Sal.</i>		<i>Nativity.</i>	<i>Sal.</i>
John Marshall, Chief Justice,	Va.	\$5,000	Smith Thompson,	N. Y.	4,500
William Johnson,	S. C.	4,500	John McLean,	N. J.	4,500
Gabriel Duvall,	Md.	4,500	Henry Baldwin.	Pa.	4,500
Joseph Story,	Mass.	4,500			

## DIPLOMATIC CORPS.

### TO GREAT BRITAIN AND IRELAND.

	<i>Nativity.</i>	<i>Salary</i>
Louis McLane, Envoy, &c.	Del.	9,000
Washington Irving, Secretary.	N. Y.	2,000
<b>FRANCE</b>		
William C. Rives, Envoy &c.	Va.	9,000
Charles C. Harper, Secretary,	Md.	2,000
<b>SPAIN.</b>		
Cornelius P. Van Ness, Envoy, &c.	Va.	9,000
Charles S. Walsh, Secretary,	Md.	2,000
<b>RUSSIA.</b>		
John Randolph, Envoy, &c.	Va.	9,000
John Randolph Clay, Secretary,	Va.	2,000
<b>NETHERLANDS.</b>		
William P. Preble, Envoy, &c.	Me.	9,000
Auguste Davezac, Secretary,	La.	2,000
<b>MEXICO.</b>		
Joel R. Poinsett, Envoy, &c.	S. C.	9,000
John Mason, Secretary,	D. C.	2,000
Anthony Butler, Chargé d'Affaires,		4,500

COLOMBIA			
Thomas P. Moore, Envoy, &c.			\$9000
J. C. Pickett, Secretary,			2000
SWEDEN.			
Christopher Hughes, Charge, &c.	Md.		4500
DENMARK.			
Henry Wheaton, Charge, &c.	R. I.		4500
PORTUGAL.			
Thomas L. L. Brent, Chargé, &c.	Md.		4500
BUENOS AYRES.			
John M. Forbes, Charge, &c.	Florida.		4500
BRAZIL.			
William Tudor, Charge, &c.	Mass.		4500
CHILE.			
Samuel Larned, Chargé, &c.	R. I.		4500
PERU.			
Emanuel J. West, Chargé, &c.			4500

## ARMY PROMOTIONS.

### *Corps of engineers.*

Brevet 2d lieutenant, Thompson S. Brown, to be 2d lieutenant, 1st July, 1825.

### *Second regiment of artillery.*

Brevet 2d lieutenant Hugh W. Mercer, to be 2d lieutenant, 1st July, 1825.

### *Third regiment of artillery.*

2d lieutenant George S. Green, to be 1st lieutenant, 31st May, 1829, vice Philips, resigned.

Brevet 2d lieutenant Robert E. Temple, to be 2d lieutenant, 1st July, 1828.

Brevet 2d lieutenant George E. Chase, to be 2d lieutenant, 1st July, 1828.

### *Fourth regiment of artillery.*

Brevet captain Patrick H. Galt, 1st lieutenant, to be captain, 15th May, 1829, vice Spotts, resigned.

2d lieutenant William Cook, to be 1st lieutenant, 15th May, 1829, vice Galt promoted.

Brevet 2d lieutenant Chas. O. Collins, to be 2d lieutenant, 1st July, 1828.

### *First regiment of infantry.*

1st lieutenant W. R. Jouett, to be captain, 1st May, 1829, vice Kearney, promoted.

1st lieutenant Thomas Parker, to be captain, 31st May, 1829, vice Ker, resigned.

2d lieutenant William Reynolds, to be 1st lieutenant, 1st May, 1829, vice Jouett, promoted.

2d lieutenant Albert S. Miller, to be 1st lieutenant, 31st May, 1829, vice Parker, promoted.

Brevet 2d lieutenant Jonathan K. Greenough, to be 2d lieutenant, 1st July, 1827.

Brevet 2d lieutenant Enos G. Mitchell, to be 2d lieutenant, 1st July, 1828.

### *Third regiment of infantry.*

Brevet major Stephen W. Kearney, captain 1st infantry, to be major, 1st May, 1829, vice Baker, promoted.

### *Fourth regiment of infantry.*

2d lieutenant Lorenzo Thomas, to be 1st lieutenant, 17th of March, 1829, vice Mountz, cashiered.

Brevet 2d lieutenant Nelson N. Clark, to be 2d lieutenant, 1st July, 1827.

### *Sixth regiment of infantry.*

Brevet lieutenant colonel D. Baker, major 3d infantry, to be lieutenant colonel, 1st May, 1829, vice Woolley dismissed.

1st lieutenant George C. Hutter, to be captain, 12th May, 1829, vice Gantt, dismissed.

2d lieutenant Joseph Van Swearingen, to be 1st lieutenant, 12th May, 1829, vice Hutter, promoted.

Brevet 2d lieutenant Nathaniel J. Eaton, to be 2d lieutenant, 1st July, 1827.

Brevet 2d lieutenant Robert Sevier, to be 2d lieutenant, 1st July, 1828.

### APPOINTMENTS.

Brevet major James H. Hook, captain 4th infantry, to be commissary, 10th March, 1829.

Captain Joseph P. Taylor, of the 2d artillery, to be commissary, 10th March, 1829.

James B. Sullivan, Va. to be assistant surgeon, 5th May, 1829.

1st lieutenant Anthony Drane, 5th infantry, to be assistant quarter master, 18th April, 1829.

1st lieutenant John L'Engle, 3d artillery, to be assistant quarter master, 29th June, 1829.

2d lieutenant William P. Bainbridge, 4th artillery, to be assistant commissary of subsistence, 16th March, 1829.

2d lieutenant Frederick D. Newcomb, 1th infantry, to be assistant commissary of subsistence, 1st April, 1829.

1st lieutenant St Clair Denny, 5th infantry, to be assistant commissary of subsistence, 20th May, 1829.

1st lieutenant E. B. Birdsall, 3d infantry, to be assistant commissary of subsistence, 8th June, 1829.

1st lieutenant Justin Dimock, 1st artillery, to be assistant commissary of subsistence, 23d July, 1829.

2d lieutenant Orsborne Cross, 1st infantry, to be assistant commissary of subsistence, 1st August, 1829.

#### *Corps of engineers.*

1. Cadet Charles Mason, to be brevet 2d lieutenant 1st July, 1829. 2. Cadet Robert L. Lee, to be brevet 2d lieutenant 1st July, 1829.

#### *First regiment of artillery.*

10. Cadet Minor Knowlton, to be brevet 2d lieutenant 1st July, 1829. 11. Cadet John F. Kennedy, to be brevet 2d lieutenant, 1st July, 1829.

#### *Second regiment of artillery.*

8. Cadet John Mackay, to be brevet 2d lieutenant, 1st July, 1829. 11. Cadet John C. Casey, to be brevet 2d lieutenant, 1st July, 1829. 15. Cadet Ormsby M. K. Mitchell, to be brevet 2d lieutenant, 1st July, 1829.

#### *Third regiment of artillery.*

4. Cadet Joseph A. Smith, to be brevet 2d lieutenant, 1st July, 1829. 6. Cadet Cathanus P. Buckingham, to be brevet 2d lieutenant, 1st July, 1829. 9. Cadet Charles W. Hackley, to be brevet 2d lieutenant, 1st July, 1829. 12. Cadet William R. McKee, to be brevet 2d lieutenant, 1st July, 1829. 16. Cadet Gustavus Brown, to be brevet 2d lieutenant, 1st July, 1829.

#### *Fourth regiment of artillery.*

5. Cadet James Barnes, to be brevet 2d lieutenant, 1st July, 1829. 7. Cadet Joseph B. Smith, to be brevet 2d lieutenant, 1st July, 1829. 13. Cadet Joseph E. Johnston, to be brevet 2d lieutenant, 1st July, 1829. 19. Cadet Charles Petigru, to be brevet 2d lieutenant, 1st July, 1829. 20. Cadet Franklin E. Hunt, to be brevet 2d lieutenant, 1st July, 1829.

#### *Fifth regiment of infantry.*

17. Cadet Sydney Burbank, to be brevet 2d lieutenant, 1st July, 1829. 22.

Cadet Seth Eastman, to be brevet 2d lieutenant, 1st July, 1829. 25. Cadet Thomas A. Davis, to be brevet 2d lieutenant, 1st July, 1829. 31. Cadet Joseph H. Pawling, to be brevet 2d lieutenant, 1st July, 1829. 38. Cadet George R. Sullivan, to be brevet 2d lieutenant, 1st July, 1829. 45. Cadet Edward R. Williams, to be brevet 2d lieutenant, 1st July, 1829.

#### *Second regiment of infantry.*

32. Cadet Antes Snyder, to be brevet 2d lieutenant, 1st July, 1829. 39. Cadet Edwin R. Long, to be brevet 2d lieutenant, 1st July, 1829. 46. Cadet Richard B. Scriven, to be brevet 2d lieutenant, 1st July, 1829.

#### *Third regiment of infantry.*

21. Cadet Lancaster P. Lupton, to be brevet 2d lieutenant, 1st July, 1829. 26. Cadet Albert C. Blanchard, to be brevet 2d lieutenant, 1st July, 1829. 33. Cadet William H. Warfield, to be brevet 2d lieutenant, 1st July, 1829. 40. Cadet Benjamin W. Brice, to be brevet 2d lieutenant, 1st July, 1829.

#### *Fourth regiment of infantry.*

3. Cadet William H. Darford, to be brevet 2d lieutenant, 1st July, 1829. 23. Cadet Thomas Swords, to be brevet 2d lieutenant, 1st July, 1829. 27. Cadet Charles S. Howe, to be brevet 2d lieutenant, 1st July, 1829. 31. Cadet James Clark, to be brevet 2d lieutenant, 1st July, 1829. 41. Cadet Robert W. Burnett, to be brevet 2d lieutenant, 1st July, 1829.

#### *Fifth regiment of infantry.*

28. Cadet Catch Sibly, to be brevet 2d lieutenant, 1st July, 1829. 35. Cadet James Allen, to be brevet 2d lieutenant, 1st July, 1829. 42. Cadet James S. Moore, to be brevet 2d lieutenant, 1st July, 1829.

#### *Sixth regiment of infantry.*

18. Cadet William Hoffman, to be brevet 2d lieutenant, 1st July, 1829. 21. Cadet Albemarle Caly, to be brevet 2d lieutenant, 1st July, 1829. 29. Cadet James H. Wright, to be brevet 2d lieutenant, 1st July, 1829. 35. Cadet Jonathan Freeman, to be brevet 2d lieutenant, 1st July, 1829. 43. Cadet Charles May, to be brevet 2d lieutenant, 1st July, 1829.

#### *Seventh regiment of infantry.*

30. Cadet George A. Sterling, to be brevet 2d lieutenant, 1st July, 1829. 37. Cadet John P. Davis, to be brevet 2d lieutenant, 1st July, 1829. 44. Cadet Theophilus H. Holmes, to be brevet 2d lieutenant, 1st July, 1829.

Washington, 5th June, 1830.

*Fourth regiment of artillery.*

Second lieutenant Augustus Canfield, to be 1st lieutenant, 1st March, 1830, vice Despinville, resigned.

Brevet 2d lieutenant James Barnes, to be 2d lieutenant 1st July, 1829.

*First regiment of infantry.*

Brevet colonel Willoughby Morgan, lieutenant colonel of the 3d infantry, to be colonel, 23d April, 1830, vice M'Neil, resigned.

*Second regiment of infantry.*

Second lieutenant Joseph S. Gallagher, to be 1st lieutenant, 2d February, 1830, vice Pendleton, deceased.

Brevet 2d lieutenant Isaac P. Simon-ton, to be 2d lieutenant, 1st July, 1827.

*Third regiment of infantry.*

Major Josiah H. Vose, of the 5th infantry, to be lieutenant colonel, 23d April, 1830, vice Morgan promoted.

*Fifth regiment of infantry.*

Brevet major George Bender, captain, to be major, 23d April, 1830, vice Vose, promoted.

First lieutenant J. B. F. Russell, to be captain, 23d April, 1830, vice Bender, promoted.

Second lieutenant Louis T. Jamison, to be 1st lieutenant, 23d April, 1830, vice Russell promoted.

Brevet 2d lieutenant Isaac Lynde, to be 2d lieutenant, 1st July, 1827.

*Sixth regiment of infantry.*

First lieutenant Clifton Wharton, to be

captain, 23d April, 1830, vice Penland, dismissed.

Second lieutenant Joseph S. Worth, to be 1st lieutenant, 22d April, 1830, vice Wharton, promoted.

Brevet 2d lieutenant Gustave S. Rosseau, to be 2d lieutenant, 1st July, 1828.

*Seventh regiment of infantry.*

Brevet 2d lieutenant Benjamin W. Kinsman, to be 2d lieutenant, 1st July, 1828.

*Corrections in the date of the brevet rank of the following officers*

Colonel William Lawrence, of the 5th regiment of infantry, to be colonel by brevet, to date from 15th September, 1824, instead of 8th May, 1828.

Major John B. Walbach, of the 1st regiment of artillery, brevet lieutenant colonel, to be colonel by brevet, to date from 1st May, 1825, instead of 25th April, 1828.

Captain N. S. Clark, of the 2d regiment of infantry, major by brevet, to date from 25th July, 1824, instead of 1st of October, 1821.

Captain R. E. De Russy, of the corps of engineers, major by brevet, to date from 11th September, 1821, instead of 9th February, 1825.

Capt. Henry Whiting, of the 1st regiment of artillery, major by brevet, to date from 17th March, 1821, instead of 3d March, 1827.

Captain R. A. Zantzingen, of the 2d regiment of artillery, major by brevet, to date from 15th August, 1824, instead of 12th December, 1828.

## NAVY PROMOTIONS.

### MASTERS COMMANDANT.

Robert F. Stockton and Isaac McKee-ver, May 27th, 1830.

### LIEUTENANTS.

Robert C. Robb, Edward M. Vail, Fisk Allen Deas, Samuel W. Stockton, John Calhoun, Charles W. Chauncey, Law Pennington, Thomas T. Craven, Andrew H. Foot, John L. Ball, William H. Humble, May 27th, 1830.

### SURGEONS.

A. P. Beers, John R. Chandler, B. R. Tinsler, Dec. 4th, 1830.

### ASSISTANT SURGEONS.

Richard K. H. Sims, William A. W. Spotswood, John C. Spencer, Dec. 2d, 1828; Edward H. Freeland, Frederick

Wessels, R. H. Glentworth, 11th March, 1829; Wm. M. Wood, George B. McKnight, Wm. G. Micks, 16th May; John B. Elliot, 20th May; William Tyler, 23d May; Amos G. Gambrell, Jones W. Plummer, 20th June; John V. Smith, 27th June; George Clymor, Isaac Brinkerhoff, 1st July; Daniel Eghart, 22d August; Solomon Sharpe, 15th Sept. 1829; Caleb W. Cloud, May 31, 1830.

### PURSERS.

Francis G. McCauley, May 27th, 1829, Wm. A. Slacum, 8th June, Nath'l. Wilson, Oct. 6th, 1829; Philo White, May 11th, 1830.

### CHAPLAINS.

Wm. Ryland, May 23d, 1829; Timothy J. Harrison, Oct. 2d, 1829.

# TWENTYFIRST CONGRESS.

## SENATE.

*President of the Senate, JOHN C. CALHOUN, OF SOUTH CAROLINA*

<i>From Maine</i> —Peleg Sprague, John Holmes,	<i>North Carolina</i> —James Iredell, Bedford Brown.
<i>New Hampshire</i> —Samuel Bell, Levi Woodbury.	<i>South Carolina</i> —Robert Y. Hayne William Smith.
<i>Massachusetts</i> —Nathaniel Silsbee, Daniel Webster.	<i>Georgia</i> —George M. Troup, John Forsyth.
<i>Connecticut</i> —Calvin Willey, Samuel A. Foot.	<i>Kentucky</i> —George M. Bibb, John Rowan.
<i>Rhode Island</i> —Nehemiah R. Knight, Asher Robbins.	<i>Tennessee</i> —Hugh L. White, Felix Grundy.
<i>Vermont</i> —Dudley Chase, Horatio Seymour.	<i>Ohio</i> —Benjamin Ruggles, Jacob Burnet.
<i>New York</i> —Nathan Sanford, E. B. Dudley.	<i>Louisiana</i> —Edward Livingston, Josiah S. Johnson.
<i>New Jersey</i> —Theodore Frelinghuysen, Mallon Dickerson.	<i>Indiana</i> —William Hendricks, James Noble.
<i>Pennsylvania</i> —William Marks, Isaac D. Barnard.	<i>Mississippi</i> —Powhatan Ellis, Robt. H. Adams.
<i>Delaware</i> —John M. Clayton, Arnold Naudain.	<i>Illinois</i> —John McLean, Elias K. Kane.
<i>Maryland</i> —Ezekiel F. Chambers, Samuel Smith.	<i>Alabama</i> —William R. King, John Mc Kinley.
<i>Virginia</i> —Littleton W. Tazewell, John Tyler	<i>Missouri</i> —David Barton, Thomas H. Benton

## HOUSE OF REPRESENTATIVES

*Speaker, ANDREW STEVENSON, VIRGINIA.*

<i>Maine.</i> John Anderson, Samuel Butman, George Evans, Rufus McIntire, James W. Ripley, Joseph F. Wingate, One vacancy.	Joseph Richardson, John Varnum. <i>Rhode Island.</i> Tristram Burges, Dutce J. Pearce. <i>Connecticut.</i> Noyes Barber, William W. Ellsworth, Jabez W. Huntington, Ralph J. Ingersoll, William L. Storrs, Ebenezer Young.	Hector Craig, Jacob Crocheron, Charles G. De Witt John D. Dickenson, Jonas Earll, jr. George Fisher, Isaac Finch, Jehiel H. Halsey, Joseph Hawkins, Michael Hoffman, Perkins King, James W. Lent, John Magee, Henry O. Martindale, Thomas Maxwell, Robert Monell, Ebenezer F. Norton, Gershom Powers, Robert S. Rose, Ambrose Spencer, Henry R. Storrs, James Strong, Phineas L. Tracy, John W. Taylor, Gulian C. Verplanck, Campbell P. White
<i>New Hampshire.</i> John Brodhead, Thomas Chandler, Joseph Hammons, Jonathan Harvey, Henry Hubbard, John W. Weeks.	<i>Vermont.</i> William Cahoon, Horace Everett, Jonathan Hunt, Rollin C. Mallary, Benjamin Swift.	
<i>Massachusetts</i> John Bailey, Isaac C. Bates, George Grennell, jr. James L. Hodges, B. W. Crowninshield, John Davis, Henry W. Dwight, Edward Everett, Benjamin Gorham, Joseph G. Kendall, John Reed,	<i>New York.</i> William G. Angel, Benedict Arnold, Thomas Beckman, Abraham Bockee, Peter J. Borst, C. C. Cambreleng, Timothy Childs, Henry B. Cowles.	



*New Jersey.*

Richard M. Cooper,  
Lewis Condict,  
Thomas H. Hughes,  
Isaac Pierson,  
James F. Randolph,  
Samuel Swann.

*Pennsylvania.*

James Buchanan,  
Thomas H. Crawford,  
Richard Coulter,  
Joshua Evans,  
James Ford,  
Chauncy Forward,  
Joseph Fry, jr.

John Gilmore,  
Innes Green,  
Joseph Hemphill,  
Peter Ihrie, jr.  
Thomas Irwin,  
Adam King,  
George G. Lieper,  
William McCreery,  
Alem Mar,  
Daniel H. Miller,  
Henry A. Muhlenburg,  
William Raunsey,  
John Scott,  
Thomas H. Sill.  
Samuel A. Smith,  
John B. Sterigere,  
Philander Stephens,  
Joel B. Sutherland,  
Harmer Denny.

*Delaware.*

Kensey Johns, jr.

*Maryland.*

Elias Brown,  
Clement Dorsey,  
Benjamin C. Howard,  
George E. Mitchell,  
Benedict I. Semmes,  
Richard Spencer,  
Michael C. Sprigg,  
George C. Washington,  
Ephraim King Wilson.

*Virginia.*

Mark Alexander,  
Robert Allen,  
William S. Archer,  
William Armstrong,  
John S. Barbour,  
Philip P. Barbour,  
Thomas T. Boulden,

Nathaniel H. Claiborne,  
Richard Coke, jr.  
Robert Craig,  
Thomas Davenport,  
Philip Doddridge, j  
William F. Gordon,  
Lewis Maxwell,  
William McCoy,  
Charles F. Mercer,  
Thomas Newton,  
John Roane,  
Alexander Smyth,  
Andrew Stevenson,  
John Talliaferro,  
James Trezvant.

*North Carolina.*

Willes Alston,  
Daniel L. Barringer,  
Sarkuel P. Carson,  
Henry W. Conner,  
Edmund Deberry,  
Edward Dudley,  
Thomas H. Hall,  
Robert Potter,  
Abraham Rencher,  
William B. Shepperd,  
Augustus H. Shepperd,  
Jesse Speight,  
Lewis Williams.

*South Carolina.*

Robert W. Barnwell,  
James Blair,  
John Campbell,  
George McDuffie,  
William D. Martin,  
William T. Nuckolls,  
Warren R. Davis,  
William Drayton,  
Starling Tucker.

*Georgia.*

Thomas T. Foster,  
Charles E. Haynes,  
Henry C. Lamar,  
Wilson Lumpkin,  
Wiley Thompson,  
James M. Wayne,  
Richard H. Wilde.

*Kentucky.*

Thomas Chilton,  
James Clarke,  
Nicholas D. Coleman,  
Henry Daniel,  
Nathan Gaither,  
Richard M. Johnson,

John Kincaid,  
Joseph Lecompte,  
Robert P. Letcher.  
Chittendon Lyon,  
Charles A. Wickliffe,  
Joel Yancey.

*Ohio.*

Mordecai Bartley,  
Joseph H. Crane,  
William Creighton, jr.  
James Findlay,  
John M. Goodenow.  
William W. Irwin,  
William Kennon,  
William Russell,  
James Shield,  
William Stanberry,  
John Thompson,  
Joseph Vance,  
Samuel Findlay Vinton  
Elisha Whittlesey.

*Tennessee.*

John Bell,  
John Blair,  
David Crockett,  
Robert Decha,  
Jacob C. Isaacks,  
Cave Johnson,  
Prior Lea,  
James K. Polk,  
James Standifer.

*Indiana.*

Ratliff Boon,  
Jonathan Jennings,  
John Test.

*Louisiana.*

Henry H. Gurley,  
W. H. Overton,  
Edward D. White.

*Alabama.*

Clement C. Clay,  
Dixon H. Lewis,  
R. E. B. Baylor

*Illinois.*

Joseph Duncan.

*Missouri.*

Spencer Pettis.

*Mississippi.*

Thomas Hinds.

*Michigan*—John Biddle.

*Arkansas*—A. H. Sevier.

*Florida*—Joseph M. White.

## OFFICERS OF CONGRESS.

OFFICERS OF THE SENATE.		OFFICERS OF THE HOUSE.	
<i>Secretary.</i>		<i>Clerk of the House.</i>	
Walter Lowrie, Pa.	\$3000	M. St Clair Clark, Pa.	3000
<i>Sergeant at arms.</i>		Samuel Burch, Chief Clk. Va.	
Mountjoy Bailey, Va.	\$1500	<i>Sergeant at Arms.</i>	
<i>Chaplain.</i>		I. Oswald Dunn,	1500
H. Van D. Johns.	\$500	<i>Chaplain.</i>	
<i>Librarian of Congress,</i>		Reuben Post,	500

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## GOVERNORS OF STATES.

1830.

Maine,	Jonathan G. Hunton.	Alabama,	Gabriel Moore.
New Hampshire,	Benjamin Pierce.	Louisiana,	H. Beauvais,
Massachusetts,	Levi Lincoln.		acting Gov.
Vermont,	Samuel C. Crafts.	Mississippi,	Gerard C. Brandon.
Rhode Island,	James Fenner.	Tennessee,	William Carroll.
Connecticut,	Gideon Tomlinson.	Kentucky,	Thomas Metcalf.
New York,	Enos T. Throop,	Ohio,	Allen Trimble.
	acting Gov.	Indiana,	Joshua B. Ray.
New Jersey,	Peter D. Vroom, Jr.	Illinois,	Ninian Edwards
Pennsylvania,	George Wolf.	Missouri,	John Miller.
Delaware,	David Hazzard.		
Maryland,	Thomas King Carroll.		
Virginia,	John Floyd		
North Carolina,	John Oliver.	Michigan,	Lewis Cass.
South Carolina,	Stephen D. Miller.	Florida,	William P. Duval
Georgia,	George R. Gilmer.	Arkansas,	John Pope

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## TERRITORIES.

## CENSUS FOR 1830.

CENSUS OF 1830, AS MADE BY THE MARSHALS.					Census of 1830.	Increase per cent.	1830.
	Whites.	Free Colored.	Slaves.	Total.	Total.	per cent.	Representative live Nos.
Maine,	308,255	1,207	6	309,468	208,335	338.98	399,465
New Hampshire,	268,910	683		269,593	244,161	103.91	269,593
Vermont,	279,794	885		280,679	235,764	19.05	280,679
Massachusetts,	663,008	7,006		610,014	523,287	165.12	610,014
Connecticut,	289,624	8,064	23	297,711	275,248	81.61	297,702
Rhode Island,	93,631	3,565	14	97,210	83,059	171.57	97,204
New York,	1,868,382	45,080	46	1,913,508	1,372,812	39.87	1,913,489
New Jersey,	300,226	18,307	2,246	320,779	277,575	15.64	319,870
Pennsylvania,	1,309,296	37,990	386	1,347,672	1,049,458	28.16	1,347,517
Delaware,	57,605	15,829	3,305	76,739	72,749	54.87	75,417
Maryland,	291,093	52,942	102,878	446,913	407,350	97.12	405,761
Virginia,	694,439	147,103	469,724	1,211,266	1,065,366	13.62	1,117,314
North Carolina,	472,433	19,575	246,462	738,470	638,829	15.82	639,885
South Carolina,	257,878	7,915	315,665	581,458	502,741	15.67	455,192
Georgia,	296,614	2,483	217,407	516,504	340,989	51.72	429,541
Alabama,	190,471	1,541	117,494	309,206	127,901	141.57	262,209
Mississippi,	70,618	529	65,659	136,806	75,448	81.32	110,542
Louisiana,	89,407	16,753	109,631	215,791	153,407	40.65	171,939
Tennessee,	537,930	4,513	142,379	684,822	422,613	62.44	627,870
Kentucky,	518,617	4,816	165,350	688,844	564,317	22.66	622,704
Ohio,	928,093	9,586		937,679	581,434	61.98	937,679
Indiana,	338,020	3,652		341,682	147,178	132.87	341,682
Illinois,	155,176	1,653	746	157,575	55,211	185.06	157,277
Missouri,	114,552	546	24,986	140,084	66,586	110.80	130,090
Arkansas Territory,	25,667	138	4,578	30,383	14,246	113.73	
Michigan,	30,848	253	27	31,128	8,896	250.1	
Florida,	18,385	840	15,500	34,725			
District of Columbia,	27,635	6,163	4,000	39,858	33,039	20.63	

Population of the United States in 1830, 12,855,907  
 " " in 1820, 9,637,999

Increase, 3,218,414  
 Increase per cent. 33.22

## DUTIES RECEIVED IN 1829.

A Statement exhibiting the Duties which accrued on Merchandise, Tonnage, Passports, and Clearances; of Debentures issued on the exportation of Foreign Merchandise; Drawback on Domestic Refined Sugar exported; Bounty on Salted Fish exported; Allowances to vessels employed in the Fisheries; and of expenses of Collection, during the year ending on the 31st of December, 1829.

DUTIES ON		Year.
Merchandise.		
Tonnage and light money.		
Passports and clearances.		
Debentures issued.		
Drawback on domestic refined sugar.		
Bounties and allowances.		
Gross revenue.		
Expenses of collection.		
Nett revenue.		

1829 27,542,273 39 133,861 28 11,060 00 4,213,168 83 45,092 56 270,077 54 23,158,855 74 965,958 00 22,192,897 74

# PUBLIC DEBT OF THE UNITED STATES.

Statement of the Funded Debt of the United States, as it existed on the 1st of January, 1830; exhibiting, also the Dates of the Acts under which the several Stocks were constituted, and the periods at which they are redeemable.

S T O C K S .	Date of acts constituting the several stocks.	When Redeemable.	A M O U N T S .	
Three per cent Stock, (Revolutionary debt.)	4th August, 1790. 3d March, 1815.	At the pleasure of Government. Do.	7,000,000 00 999,999 13 4,735,296 80	13,205,249 45 6,440,556 17
Six per cent Stock,	10th April, 1816. 15th May, 1820. 3d March, 1821. 20th April, 1822.	Do. In 1832. In 1835. One third in 1830. " in 1831. " in 1832.	56,704 77	12,792,000 20-
Five per cent Stock, (subscription to bank of U. S.)	exchanged,			
" " "				
" " "				
Four and a half per cent Stock,	24th May, 1824. 26th " " " " " " 3d March, 1825.	In 1832. " " One half in 1833. " in 1834. " in 1829. " in 1830.	5,000,000 00 5,000,000 00 4,454,727 95 1,539,336 16	12,994,064 11
" " "	exchanged,			
" " "				
" " "				
Total Dollars,				489,522,86 93

**A STATEMENT** exhibiting the values and quantities, respectively, of Merchandise on which duties actually accrued during the year 1829, (consisting of the difference between articles paying duty imported, and those entitled to drawback re-exported;) and, also, of the nett revenue which accrued that year from duties on Merchandise, Tonnage, Passports, and Clearances.

**Merchandise paying duties ad valorem.**

8,251	dolls.	at 12	per cent.	\$ 990	12
1,871,383	do	12½	do	233,922	88
3,114,941	do	15	do	467,241	15
7,192,761	do	20	do	1,438,552	20
21,149,529	do	25	do	5,287,382	25
1,996,427	do	30	do	598,928	10
619,715	do	33½	do	206,571	67
835,044	do	35	do	292,265	40
2,933,626	do	40	do	1,173,450	40
1,664,395	do	45	do	748,977	75
641,407	do	50	do	320,703	50
42,027,479	av.	25.62		\$10,768,985	42

**Duties on specific articles.**

1. Wines	3,122,817	galls.	av. 18.2.	\$570,904	85
2. Spirits	2,162,303	do	60.11	1,480,096	03
Molasses	61,783	do	at 5 cts.	3,086	65
Do.	9,697,137	do	10	969,713	70
3. Teas	5,397,664	lbs.	av. 33.73	1,820,706	36
Coffee	35,735,610	do	at 5 cts.	1,796,780	50
1. Sugar	51,064,507	do	av. 3.06	1,564,259	91
5. Salt	5,076,414	bush.	at 20 cts.	1,015,282	80
All other articles	-	-	-	3,089,192	49
				12,400,023	59

Dollars, 23,169,009 01

Deduct duties refunded, and moiety of penal duties arising under the act of 20th of April, 1818, after deducting therefrom duties on merchandise, the particulars of which were not rendered by the collectors, and difference in calculation, 167,708 26

Dollars, 23,001,300 75

Add 2½ per cent, retained on drawback &c.	\$10,191	83
10 do. extra duty on foreign vessels,	27,271	71
interest on custom-house bonds,	13,122	61
storage received,	7,140	12
	57,726	27

Duties on Merchandise,	Dollars,	23,059,027	20
Add duties on tonnage,	121,625	89	
light money,	12,235	39	
		133,861	28

Add passports and clearances		11,060	00
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	Dollars,	23,203,948	30
Deduct drawback on domestic refined sugar		45,092	56

Gross revenue,	Dollars,	23,158,955	74
Expenses of Collection,		965,958	00

Nett revenue, per statement A,	Dollars,	22,192,897	74
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## Explanatory statements in relation to specific duties.

## I. WINES.

Madeira,	255,497	gallons,	at 50 cents	\$127,748 50
Sherry,	52,717	do	50	26,358 50
Red of Franco and Spain,	1,435,619	do	10	143,561 90
Other of Franco and Spain,	930,827	do	15	139,624 05
Sicily,	22,916	do	30	6,874 80
Claret, &c. bottled,	59,375	do	30	17,812 50
Other in casks,	372,804	do	30	111,691 20
	<u>3,129,255</u>			<u>573,671 45</u>
Exported Madeira, 319 galls.		at 100 cts,	319 00	
Teneriffe, 6119 do	<u>6,438</u>	40	<u>2,447 60</u>	<u>2,766 60</u>
	3,122,817	av. 18.28		570,904 85

## II. SPIRITS.

From grain	1st proof	471,508	gallons	at 57 cents,	\$268,779 56
	2d do	78,782	do	60	47,269 20
	3d do	8,295	do	63	5,225 85
	4th do	2,186	do	67	1,464 62
	5th do	2,757	do	75	2,067 75
	above 5th do	18	do	90	16 20
Other materials,	2d do	6,970	do	38	2,648 60
	2d do	139,716	do	53	74,049 48
	3d do	510,349	do	57	290,898 93
	4th do	1,188,711	do	63	748,887 93
	5th do	56,071	do	72	40,371 12
Exported grain spirits		795	do	42	333 90
	other do	277	do	42	116 34
	do do	1,559	do	48	748 32
	do do	429	do	85	364 65
		<u>2,462,303</u>	av. 60.11		<u>\$1,480,096 03</u>

## III. TEAS.

Bohea	70,153	pounds	at 12 cents	\$8,418 36
Souchong	1,248,168	do	25	312,042 00
Hyson skin, &c.	1,294,036	do	28	362,330 08
Hyson and young hyson	2,561,227	do	40	1,024,490 80
Imperial, gunpowder, &c.	228,773	do	50	114,386 50
Extra duty on teas imported from other places than China				<u>1,166 70</u>
	<u>5,402,357</u>			<u>1,823,334 41</u>
Exported hyson and young hyson	<u>4,693</u>	do	56	<u>2,628 08</u>
	5,397,664	av. 33.73		<u>\$1,820,706 36</u>

## IV. SUGAR.

Brown	47,832,037	pounds	at 3 cents.	1,434,961 11
White, clayed, &c.	3,232,470	do	4	129,298 80
	<u>51,064,507</u>	av. 3.06		<u>\$1,564,259 91</u>

## V. SALT.

Imported, bushels	-	6,495,409 at 20 cents	\$1,299,081 80
Exported	-	68,607	
Bounties and allowances, reduced into bushels, at 20 cents per bushel	1,350,383	1,418,995 at 20 cents	283,799 00
		5,076,414 at 20 cents	\$1,015,282 80

VI. ALL OTHER ARTICLES.	Quantity.	Rate of duty.	Duties.
Woollens, not above 33½ cts. per sq. yd.	1,143,546	14	160,096 44
Carpeting, Brussels, Wilton, &c. do	67,391	70	47,173 70
Venetian and ingrain do	323,787	40	129,514 80
flags, matting, &c. do	58,643	15	8,796 45
Floor cloths, printed, painted, &c. do	16,599	50	8,299 50
Oil cloth, other than printed, &c. do	2,548	25	637 00
Furniture oil cloth do	23,322	15	3,498 30
Sail Duck do	200,348	9	26,131 32
Do do	705,765	9½	67,047 71
Bagging, cotton do	1,393,302	4½	62,698 59
Do do	830,709	5	41,535 45
Vinegar gallons	41,820	8	3,345 60
Beer, ale, and porter, in bottles do	60,446	20	12,089 20
Do • do in casks do	8,132	15	1,219 80
Oil, spermaceti do	1	25	25
whale and other fish do	161	15	24 15
olive do	48,496	25	12,124 00
castor do	103	40	41 20
linseed do	111,452	25	27,863 00
rapeseed do	29	25	7 25
hempseed do	27	25	6 75
Cocoa pounds	452,992	2	9,050 84
Chocolate do	2,944	4	117 76
Sugar, candy do	645	12	77 40
loaf do	1,079	12	129 48
other refined do	44	10	4 40
Fruits, almonds do	944,709	3	28,341 27
currants do	405,591	3	12,137 73
prunes and plums do	86,748	4	3,469 92
figs do	1,605,157	3	48,154 71
raisins, jar and muscatel do	3,296,272	4	131,850 88
other do	1,795,464	3	53,863 92
Candles, wax do	185	6	11 10
spermaceti do	202	8	16 16
Cheese do	66,828	9	6,014 52
Soap do	311,687	4	12,467 48
Lard do	105	3	3 15



VI. ALL OTHER ARTICLES.		Quantity.	Rate of duty.	Duties.
Beef and pork	pounds	2,697	2	53 94
Hams and other bacon	do	8,286	3	248 58
Butter	do	5,233	5	261 65
Saltpetre, refined	do	1,588	3	47 04
Camphor, crude	do	131,347	8	10,507 76
refined	do	12	12	1 44
Vitriol, blue or Roman	do	6	4	24
Salts, Epsom	do	58	4	2 32
Glauber	do	1,426	2	28 52
Spices, Cayenne pepper	do	44	15	6 60
ginger	do	1,260	2	25 20
mace	do	5,877	100	5,877 00
nutmegs	do	60,281	60	36,168 60
cinnamon	do	950	25	237 50
cloves	do	65,866	25	16,466 50
pepper	do	1,234,233	8	98,738 64
pimento	do	1,426,758	6	85,605 48
Tobacco, manufactured, other than snuff and segars	do	550	10	55 00
Indigo	do	326,804	15	49,020 60
Indigo	do	257,364	20	51,472 80
Gunpowder	do	42,048	8	3,363 84
Bristles	do	112,124	3	3,363 72
Glue	do	24,272	5	1,213 60
Paints, ochre, dry	do	551,273	1	5,512 73
white and red lead	do	111,450	5	5,572 50
whiting	do	588,311	1	5,883 11
orange mineral	do	385	5	16 75
sugar of lead	do	116,180	5	5,809 00
Lead, manufactured into shot	do	2,737	4	109 48
Cordage, tarred	do	588,126	4	23,525 04
untarred	do	228,029	5	11,401 45
Twine, yarns, and packthread	do	427,744	5	21,387 20
Corks	do	184,177	12	22,101 24
Copper, rods and bolts	do	297	4	11 88
nails and spikes	do	5,263	4	210 52
Fire arms, muskets	number	4,527	150	6,790 50
rifles	do	12	250	30 00
Iron, wire, not above No. 14	pounds	272	5	13 60
not above No. 14	do	268,870	6	16,132 20
above No. 14	do	261,273	10	26,127 30
tacks, &c. not above No. 16	M.	12,769	5	638 45
above No. 16	pounds	4,062	5	203 10
nails	do	575,467	5	28,773 35
spikes	do	84,734	4	3,389 36
chain cables	do	775,019	3	23,250 57
mill saws	do	5,166	100	5,166 00

VI. ALL OTHER ARTICLES.		Quantity.	Rate of duty.	Duties.
Iron, anchors	pounds	27,012	2	540 24
anvils	do	737,146	2	14,742 92
hammers, &c.	do	82,452	2½	2,061 32
castings, vessels of	do	886,465	1½	13,296 97
other	do	349,290	1	3,492 90
braziers' rods	do	103,470	3½	3,621 45
sheet and hoop	do	2,190,674	3½	76,673 62
in pigs	cwt.	25,710	62½	16,068 75
bar and bolt, hammered	pounds	79,113,961	1	791,139 61
rolled	cwt.	107,646	185	199,145 10
Steel	do	24,365	150	36,547 50
Files	do	30,660	225	68,985 00
Do	do	52,287	250	130,717 50
Flax	do	1,386	175	2,425 50
Do	do	8,193	200	16,386 00
Wool	pounds	992,540	4	39,701 60
Alum	cwt.	11½	250	31
Copperas	do	1,396	200	2,792 00
Wheat flour	do	69	50	34 50
Coal	bushels	1,310,551	6	80,433 06
Wheat	do	275	25	68 75
Oats	do	307	10	30 70
Potatoes	do	53,198	10	5,319 80
Paper, folio and quarto post	pounds	8,644	20	1,728 80
foolscap, &c.	do	205,327	17	34,905 59
printing	do	5,068	10	506 80
all other	do	30,468	15	4,570 20
Books, printed previous to 1775	vol.	356	4	14 24
printed in other languages				
than Latin, Greek, &c.	do	76,143	4	3,045 72
Latin and Greek, bound, pounds		3,869	15	580 35
boards	do	1,886	13	245 18
all other, bound	do	21,584	30	6,475 20
boards	do	77,126	26	20,052 76
Glass ware, cut and not specified	do	11,536	3	346 08
other articles of	do	1,126,729	2	22,534 58
vials, not above 6 oz.	groce	700	175	1,225 00
not above 8 oz.	do	81	125	101 25
bottles, not above 1 quart	do	11,928	200	23,856 00
not above 2 quarts	do	395	250	987 50
not above 1 gallon	do	13	300	39 00
Demijohns	number	40,577	25	10,144 25
Glass, window, not above 8 by 10				
inches	100 sq. ft.	552	300	1,656 00
	10 by 12	299	350	1,046 50
	10 by 15	305	400	1,220 00
	above 10 by 15	2,574	500	12,870 00

VI. ALL OTHER ARTICLES.		Quantity.	Rate of duty.	Duties.
Slates, not above 6 by 12	cwt.	8,801	20	1,760 20
12 by 14	do	19,859	25	4,964 75
14 by 16	do	59,035	30	17,710 50
16 by 18	do	11,647	35	4,076 45
18 by 20	do	30,153	40	12,061 20
20 by 24	do	7,341	45	3,331 60
above 20 by 24	do	1,055	50	529 00
Fish, dried or smoked	quantals	523	100	523 00
salmon, pickled	barrels	1,596	200	3,192 00
mackerel	do	2,315	150	363 00
all other	do	503	100	503 00
Shoes, silk	pairs	1,506	30	451 80
prunello	do	3,425	25	872 00
leather	do	1,950	25	487 50
children's	do	149	15	22 35
Boots and bootees	do	410	150	615 00
Cigars	M	30,475	250	51,187 50
Playing Cards	packs	3,040	30	912 00
				3,248,890 94

*Deduct excess of exportation over importation, viz:*

Carpets, flags, matting,				
&c	sq yds.	2,487 at 32 cts.	\$795 84	
Candles, tallow,	pounds	15,853	5	792 65
Tallow	do	116,817	1	1,168 17
Cassia	do	72,260	6	4,335 60
Snuff	do	678	12	81 36
Cotton	do	29,099	3	872 97
Litharge	do	443,011	5	22,150 55
Lead	do	128,577	3	3,857 31
pipes	do	81,799	5	4,089 95
Cables	do	23,275	4	931 00
Nail and spike rods	do	34,576	3½	1,350 17
Sheet and hoop iron	do	25,650	3	859 50
Paper, sheathing	do	2,896	3	86 88

*Deduct articles exported at former duties.*

White lead	pounds	130,711	at 4 cts.	5,228 44
Bar lead	do	386,363	2	7,727 26
Iron, bar, hammered	cwt.	2,215	90	1,993 50
rolled	do	708	150	1,062 00
pig	do	2,720	50	1,360 00
Steel	do	955	100	955 00

59,696 15

\$3,189,192 79

**STATEMENT of moneys received into the Treasury from all sources,  
other than customs and public lands, during the year 1829.**

From dividends on stock in the Bank of the United States,		\$490,000 00
Arrears of direct tax,	11,335 05	
Arrears of internal revenue,	14,502 74	
Fees on letters patent,	12,990 00	
Cents coined at the mint,	11,550 00	
Postage of letters,	86 60	
Fines, penalties, and forfeitures,	2,704 32	
Interest on debts due by banks to the U. S.	12,479 47	
Surplus emoluments of officers of the customs,	40,752 53	"
The sale of the hotel and lot at the Hague,	2,600 00	
The proceeds of the estates of American citizens deceased in foreign countries,	183 98	
The proceeds of property labelled for salvage, and not claimed,	518 36	
The late trading establishments with the Indians,	1,995 00	
* An unknown person, stated to be on account of the customs,	75 56	
* Money received from the late agent for the military establishment, for balance due from him,	50 50	
Moneys previously advanced on account of the first article of the treaty of Ghent,	615 66	
Moneys previously advanced on account of the 4th, 5th, 6th and 7th articles of the treaty of Ghent,	2,287 23	
Moneys paid over by order of the court of the southern district of New York, on account of Theron Smith,	7,458 25	
Balances of advances made in the War Department, repaid under the third section of the act of 1st May, 1820,	16,301 09	
	<u>138,486 34</u>	
		\$628,486 34

STATEMENT exhibiting the sales of Public Lands, moneys paid into the Land Offices, expenses incident to the sales, and moneys paid into the Treasury on account thereof, during the year ending the 31st December, 1829.

LAND OFFICE	Land sold.	Purchase money.		Amount received under the credit system.		Amount received in cash.		Amount received in forfeited land stock.		Total amount received at the land offices.		Amount of incidental expenses.		Amount paid into the Treasury, from 1st Jan. to 31st Dec. 1829.	
		Acres.	hectis.	Dols.	cts.	Dols.	cts.	Dols.	cts.	Dols.	cts.	Dols.	cts.	Dols.	cts.
arietta, Ohio,	7,674 23			9,748 57		5,044 73		12,681 13		14,793 30		1,341 53		11,992 22	
ressville, "	37,619 67			47,146 63		18,875 81		54,498 48		66,022 44		3,272 19		50,866 93	
tenbentville, "	28,995 91			35,418 72		12,660 65		36,470 61		48,079 37		2,996 93		40,220 00	
hillicothe, "	19,385 52			24,481 97		7,002 63		16,399 49		31,484 00		1,867 84		14,710 11	
incinnati, "	35,477 99			44,838 62		43,190 62		23,478 99		89,029 21		3,343 63		17,351 02	
Vooster, "	21,664 32			37,115 42		25,279 92		55,798 37		62,395 34		2,088 44		32,355 91	
ique, "	2,405 57			3,006 98				1,832 26		1,174 72		1,099 35		700 00	
iffin, "	23,793 19			30,418 29				21,887 45		3,006 98		2,014 40		19,713 34	
effersonville, Ind.	30,561 03			26,151 32		29,479 18		42,016 37		30,418 29		2,713 75		38,341 26	
Vincennes, "	26,455 34			33,158 35		28,432 96		52,622 06		55,630 50		4,768 91		43,347 98	
ndianapolis, "	39,531 94			113,327 11				111,827 24		61,632 70		4,330 26		112,619 18	
Crawfordville, "	30,530 46			256,109 62				254,326 68		112,327 11		9,475 80		153,152 10	
Fort Wayne, "	8,143 78			10,226 98		5,331 81		7,824 52		256,109 62		1,152 91		1,500 00	
Shawneetown, Ill.	6,380 57			7,975 71		2,528 28		12,383 49		7,824 52		1,400 71		11,471 00	
Kaskaskia, "	23,602 10			35,752 65		2,248 70		8,985 97		16,058 79		1,154 77		5,964 93	
Edwardsville, "	19,405 48			24,258 13				35,651 69		10,503 99		1,618 10		15,996 00	
Vandalia, "	47,221 45			59,026 70				24,202 13		39,001 35		1,688 73		8,381 99	
Palestine, "	86,492 35			108,175 47				58,930 70		24,258 13		2,304 46		39,112 77	
Springfield, "								106,637 04		59,026 70		4,528 26		118,263 03	
								1,538 43		108,175 47					

St Louis, Mo.	24,499 63	30,624 56	5,537 60	33,368 78	2,793 36	36,162 16	1,937 53	37,749 32
Franklin, "	40,255 76	50,320 53	4,237 24	48,792 25	5,815 52	54,607 77	3,318 93	61,033 04
Palmyra, "	54,936 56	68,570 82		67,692 74	978 08	68,670 82	3,418 62	73,660 34
Jackson, "	5,309 32	6,624 14		6,624 14		6,624 14	1,368 52	11,150 00
Lexington, "	27,544 38	34,373 99		34,373 99		34,373 99	2,539 77	51,420 59
St Stephen's, Ala.	15,877 56	19,845 96	3,846 11	16,322 53	6,370 54	22,993 07	1,741 13	10,395 00
Cahaba, "	66,906 40	83,447 16	13,201 49	147,654 24	15,194 41	162,948 65	7,270 20	126,428 32
Huntsville, "	1,919 03	2,398 74	30,478 82	20,798 49	12,039 07	32,877 56	2,017 58	19,578 49
Tuscaloosa, "	12,905 59	15,865 71		15,212 26	623 15	15,865 71	2,896 77	79,165 00
Sparta, "	22,593 88	26,251 32		27,149 39	731 93	28,291 32	2,096 60	24,039 50
Washington, Miss.	7,238 78	8,349 10	68,785 74	51,993 45	20,641 35	72,634 84	2,732 26	42,917 00
Augusta, "	1,608 36	2,010 45		2,010 45		2,010 45	1,656 77	73,731 87
Mount Salus, "	89,438 17	112,563 99		109,929 77	2,634 22	112,563 99	4,134 75	
New Orleans, La.	320 00	400 00		400 00		400 00	1,008 00	
Opelousas, "	7,319 28	9,149 09	11,524 16	20,428 75	214 50	20,673 25	1,674 71	6,000 00
Ouachita, "	20,309 08	25,795 62		25,395 62	*400 00	25,795 62	2,057 97	22,000 00
St Helena	3,072 01	3,840 01		3,840 01		3,840 01		
Detroit Mich. T.	23,329 48	29,141 93	3,782 68	32,309 41	615 20	32,924 61	2,412 11	24,510 74
Monroe, "	44,530 78	55,798 13		55,798 13		55,798 13	3,167 45	45,765 00
Batesville, Ar. T.	2,003 84	-2,504 67		2,504 67		2,504 67	1,184 49	1,238 00
Little Rock, "	677 36	846 69		846 69		846 69	1,389 85	
Tallahassee, F. T.	53,276 49	68,207 77		68,207 77		68,207 77	4,171 39	70,914 15
St Augustine, "	No sales						1,000 00	
	1,244 50 01	1,372,563 54	392,060 12	1,730 213 3	224,630 28	1,954,923 66	108,351 37	1,517,175 13

Lewis and Clark — warrant

† Accounted for in 1st quarter of 1930

The column of 'incidental expenses' includes the salaries, commissions, and contingent expenses of the Registrars and Receivers' offices, also, the allowances for transporting public moneys, made in pursuance of the provisions of the act of Congress of 22d May, 1926



Repairs and contingencies of fortifications	7,496 30	Repairing piers at Port Penn and Marcus Hook, Penn.	5,000 00
Fort Monroe	101,500 00	Do. at Kennebunk river, in Maine	5,000 00
Fort Calhoun	100,000 00	Preservation of islands in Boston harbor	61,203 50
Fort Delaware	12,000 00	Completion of sea-wall, George's island, Boston harbor	7,310 54
Fort Hamilton	100,000 00	Deepening the harbor of Sackett's harbor, N. Y.	1,187 00
Fort Adams,	97,277 06	Do. harbor of Mobile, Alabama	2,550 00
Fort Jackson	16,000 00	Do. the channel through the Pass au Heron, near Mobile bay	2,250 00
Fort at Mobile point	100,00 00	Deepening the channel between St John's and St Mary's Harbor	10,000 00
Fort Macon	57,975 00	Closing the breach made in the peninsula at Presque Isle bay, Penn.	7,390 25
Fort at Oak island, N. C.	66,534 12	Improving the navigation of the Ohio and Mississippi rivers	47,200 60
Fortifications at Charleston, South Carolina	31,672 00	Do. of the Ohio river	10,000 00
Do. Savannah, Georgia	4,300 00	Do. of Red river, Arkansas	5,760 00
Do. Pensacola, Florida	90,000 00	Do. of Mill river, Conn.	3,911 00
Repairs and preservation of fort Lafayette	22,000 00	Do. of Genesee river, N. York	10,000 00
Completion of battery at Bienvenue	6,447 80	Do. of Cape Fear river, N. C.	6,760 00
Erection of a tower at bayou Dupre, La.	16,677 41	Do. of Conneaut Creek, Ohio,	6,590 00
Construction of a wharf at fort Constitution, Portsmouth, New Hampshire	600 00	Do. harbor of Cleveland, Ohio	9,000 00
Do. do. at fort M'Henry, Baltimore, Md.	1,500 00	Improving the navigation of the harbor of Hyannis, Mass.	1,650 00
Do. do. at fort Wolcott	31 21	Removing obstructions, mouth of Grand River, Ohio	3,135 11
Barracks at Michilimackinac, Michigan	1,765 40	Do. do. Huron river, Ohio	5,935 00
Do. at fort Sullivan, Eastport, Maine	2,500 00	Do. do. Ashtabula creek, Ohio	6,000 00
Do. at fort Trumbull, N. London, Connecticut	5,900 00	Do. do. Cunniffham creek, Ohio	2,956 00
Do. at fort Severn, Annapolis, Md.	1,000 00	Do. do. Berwick branch of Piscataqua river, N. H.	3,170 00
Do. at fort Winnebago, N. W. T.	9,000 00	Do. do. Black river, Ohio	5,500 00
Do. at fort Crawford, Prairie du Chien, N. W. T.	10,000 00	Do. do. Apalachicola river, Flor.	1,500 00
Erection of a breakwater at the mouth of Delaware bay	66,905 00	Do. do. of Kennebunk river, Maine	1,720 32
Building piers, mouth of Oswego river, N. Y.	22,618 84	Do. do. Ocracoke inlet, N. C.	22,000 00
Do. mouth of Buffalo creek, N. Y.	9,206 00	Do. do. harbor of Nantucket harbor, Mass.	19,653 00
Do. New Castle, Del.	17,895 99	Do. do. Big Sodus bay, N. Y.	12,000 00
Do. at Allen's Rock, Warren river	3,751 26		
Do. at La Plaisance bay, Michigan	2,000 00		
Do. &c. Merrimack river, Conn.	32,100 00		
Do. &c. Stonington, Connecticut	19,353 14		
Do. harbor of Dunkirk, N. Y.	9,812 75		
Extending piers, harbor of Edgartown, Mass.	2,500 00		
Do. harbor of Black Rock, N. Y.	30,000 00		
Examining piers at Sandy bay, Mass.	150 00		



Survey of obstructions, Wabash river, Ind.	500 00	Repairing road between St Augustine and Tallahas- see, Florida	3,000 00
Do. the Cocheco branch of Piscataqua river, New Hampshire	59 76	Payment of Georgia militia claims	712 40
Do. Penobscot river, &c, Maine	297 30	Balances due to certain States on account of mi- litia	2,216 85
Do. North river, Massa- chusetts	178 94	Relief of officers and others engaged in the Seminole campaign	856 00
Do. the harbor of Bass River, Mass.	149 93	Relief of a company of rangers under Capt. J. Bigger	54 50
Do. the river Thames, Conn.	150 00	Ransom of American cap- tives in the late war	109 00
Do. the harbor of West- brook, Conn.	130 00	Relief of sundry individu- als	3,274 85
Do. the harbor of Nor- walk, Conn.	80 00	Invalid and half-pay pen- sions	180,865 63
Do. the harbor of Stam- ford, Conn.	100 00	Pensions to widows and orphans	4,236 46
Do. the harbor of Sag- harbor, N. Y.	150 00	Revolutionary pensions	764,492 38
Do. of Flat beach, alias Tucker's island, New Jersey	100 00	Arrearages	6,948 84
Do. Deep creek, Virginia	80 00	Civilization of Indians	4,549 87
Do. Pasquotank river, N. Carolina	80 00	Pay of Indian agents	29,825 00
Do. the passes at the mouth of the Mississippi	500 00	Pay of Indian sub-agents	15,100 00
Do. the water tract be- tween lake Ponchartrain and Mobile Bay	175 00	Presents to Indians	11,246 76
Do. the harbor of St Au- gustine, Flor.	300 00	Contingencies of Indian Department	97,338 34
Surveys and estimates of roads and canals	30,044 01	Suppression of Indian ag- gressions on the frontiers of Georgia and Florida	3,041 04
Completion of the Cumber- land road to Zanesville	42,624 82	Choctaw schools	7,599 41
Preservation and repairs of Cumberland road	100,000 00	To aid the emigration of the Creek Indians	16,510 45
Construction of the Cum- berland road in Ohio, west of Zanesville	50,212 82	Pay of Illinois and other militia	856 55
Continuation of the Cum- berland road in Indiana.	14,600 00	Expenses of an exploring delegation of Indians	6,589 50
Road from Detroit to fort Gratiot	8,150 00	To extinguish the claims of Cherokee Indians to lands in Georgia	2,768 00
Do. Detroit to Saganaw	8,188 90	Compensation to Indians in Ohio, for depredations committed by white citi- zens	1,539 25
Do. Detroit to Chicago	8,250 00	Purchase of provisions for Quapaw Indians	1,000 00
Do. Mattanawcook to Mars hill, Maine	29,224 89	Effecting certain Indian treaties, per act of 20th May, 1826	3,031 91
Do. Little Rock to can- tonment Gibson, Arkan- sas	258 26	Effecting a treaty with the Creek Indians, per act of 22d May, 1826	8,599 39
Do. fort Smith to fort Towson, Ark.	360 10	Effecting certain Indian treaties, per act of 24th May, 1828	7,920 44
Do. Colerain to Tampa bay, Florida	2,810 36	Effecting certain Indian treaties, per act of 2d March, 1829	125,506 49
Road between Pensacola, Blakely, and Mobile point, Florida	3,000 00	Annuities to Indians	245,103 00
Repairing road between Pensacola and Tallahas- see, in Florida	3,000 00		<hr/> 6,267,626 58

*From which deduct the following repayments :*

Road from Pensacola to St Augustine	3,460 20
Opening the Old King's road, Fl.	1,550 00
Materials for a fort on the right bank of the Mississippi	192 00
Fort Rigolets and Chef Menteur	43 09
Survey of the harbor of Nantucket, Massachusetts	63
Survey of the harbor of Stonington, Conn.	6 37
Survey of the swash in Pamlico sound, North Carolina	17 30
Maps, plans, books, &c. for the War Department	341 05
Running boundary line between Georgia and Florida	275 80
Purchase of Creek and Cherokee reservations of lands in Georgia	9,183 00
Expenses of treating with the Choctaws and Chickasaws	1,253 79
Holding a treaty with Cherokee Indians for lands in N. Carolina	1,073 07
	17,396 30
Balance,	6,250,230 23

## NAVAL ESTABLISHMENT.

Pay and subsistence of the Navy afloat	1,160,068 09
Pay and subsistence of the Navy, shore stations	161,330 26
Pay of superintendents, artificers, &c.	62,222 56
Provisions	461,636 83
Medicines and hospital stores	25,772 60
Repairs and improvement of Navy yards	148,989 09
Ordnance and ordnance stores	26,262 61
Gradual improvement of the Navy	444,395 98
Repairs of vessels	470,945 68
Laborers and fuel for engine	1,660 45
Survey of the harbors of Savannah and Baltimore, &c.	34 07
Agency on the coast of Africa	2,766 41

Reimbursement of the marshal of Florida, for expenses of certain Africans	4,208 32
Rewarding officers and crew of the ship Wasp for destroying the Avon and Reindeer	6,418 50
Erection of a breakwater at the mouth of Delaware bay	7,373 00
Arrearages prior to 1st January, 1827	410 80
Arrearages prior to 1st January, 1828	2,911 25
Arrearages prior to 1st January, 1829	3,682 67
Contingent expenses for 1825	365 88
Contingent expenses for 1827	40 88
Contingent expenses not enumerated for 1827	136 17
Contingent expenses not enumerated for 1828	2,567 47
Contingent expenses for 1829	250,770 13
Contingent expenses not enumerated for 1829	3,092 32
Pay and subsistence of the marine corps	117,329 19
Clothing of the marine corps	11,850 61
Military stores of the marine corps	693 36
Medicines for the marine corps	794 44
Barracks for the marine corps	363 98
Repairing marine barracks at Washington	3,499 42
Fuel for the marine corps	8,509 34
Contingent expenses of the marine corps	13,792 76
	3,405,890 45

*From which deduct the following repayments.*

Gradual increase of the navy	29,795 86
Building ten sloops of war	19,592 24
Repairing and building sloops of war	9,743 25
Navy hospital fund	20,823 99
Navy pension fund	15,462 77
Privateer pension fund	62 06
Contingent expenses prior to 1824	23 30
Contingent expenses for 1824	61 88
Contingent expenses for 1826	180 82

Contingent expenses for  
1828

1,398 81

97,114 98

Balance

3,308,745 47

## PUBLIC DEBT.

Interest on the funded debt 2,542,843 23

Redemption of the 6 per  
cent stock of 1814, (loan  
of ten millions) 6,251,827 59Redemption of the 6 per  
cent stock of 1814 537,895 77Redemption of the 6 per  
cent. stock of 1815, (loan  
of \$18,450,800)

3,019,542 93

Principal and interest of  
Treasury notes

1,264 27

Reimbursement of Missis-  
sippi stock

450 00

Paying certain parts of the  
domestic debt

43 99

12,383,867 78

Total Dollars, 25,044,358 40

YEARS ENDING		VALUE OF MERCHANDISE IMPORTED INTO THE UNITED STATES FROM 1821 TO 1829.				
		Paying duties ad valorem.	Paying spe- cific duties	Total of mds. pay- ing duties.	Free of duty.	Total value of Imports.
		DOLLARS.				
30th September,	1821	30,894,917	21,608,494	52,503,411	10,082,313	62,585,724
	1822	46,361,215	29,591,618	75,942,833	7,298,708	83,241,541
	1823	40,621,552	27,909,427	68,530,979	9,048,284	77,579,267
9 mos. to 30th June,	1824	29,810,556	19,567,838	49,378,394	9,608,744	59,987,138
3 mos. to 30th Sept.	1824	11,440,277	7,166,563	18,606,840	2,955,029	21,561,869
Year,	1825	55,923,959	29,468,606	85,392,565	10,947,510	96,340,075
	1826	42,713,330	29,693,378	72,406,708	12,567,769	84,974,477
	1827	11,956,121	25,672,843	67,628,964	11,855,104	79,484,068
	1828	45,845,761	30,284,887	76,130,648	12,379,176	88,509,824
	1829	37,846,298	24,840,724	62,687,026	11,805,501	74,492,527
YEARS ENDING		MERCHANDISE EXPORTED FROM THE UNITED STATES FROM 1821 TO 1829.				
		Paying duties ad valorem.	Paying spe- cific duties.	Total of mds. pay- ing duties.	Free of duty.	Total value
		DOLLARS.				
30th September,	1821	4,495,090	5,942,641	10,537,731	10,764,757	21,302,488
	1822	4,699,844	6,401,462	11,101,306	11,184,896	22,286,202
	1823	8,502,329	11,344,544	19,846,873	7,696,749	27,543,622
	1824	9,724,073	7,498,002	17,222,075	8,115,082	25,337,157
	1825	12,554,408	10,150,395	22,704,803	9,885,840	32,590,643
	1826	11,276,536	8,127,968	19,404,504	5,135,108	24,539,612
	1827	8,139,271	7,478,715	15,617,986	7,785,150	23,403,136
	1828	7,689,381	5,477,958	13,167,339	8,427,678	21,595,017
	1829	5,631,309	5,796,092	11,427,401	5,231,077	16,658,478

STATEMENT of the COMMERCE of each State and Territory, commencing on the 1st day of October, 1828, and ending on the 30th day of September, 1829.

STATES AND TERRITORIES.	Value of Im- ports.	VALUE OF EXPORTS.				NAVIGATION.				
		Domestic pro- duce.		Foreign pro- duce.		Total value of domestic and foreign pro- duce.		Quantity of Ameri- can Tonnage.		Quantity of Fo- reign Tonnage.
		Total.	Total.	Total.	Total.	Entered.	Depart- ing.	Entered.	Depart- ing.	
Maine . . . . .	742,781	729,106	8,726	8,726	737,832	65,000	3,224	85,718	2,705	
New Hampshire . . . . .	179,889	95,24	7,476	7,476	105,740	8,723	-	6,748	-	
Vermont . . . . .	205,392	808,079	-	-	808,079	24,367	-	24,101	-	
Massachusetts . . . . .	12,520,744	3,949,751	4,305,186	4,305,186	8,254,937	177,550	5,007	140,187	3,825	
Rhode Island . . . . .	423,811	337,468	52,913	52,913	390,381	15,600	139	15,621	-	
Connecticut . . . . .	309,558	450,985	6,895	6,895	457,970	16,596	250	16,090	-	
New York . . . . .	34,743,307	12,036,561	8,082,460	8,082,460	20,110,011	250,382	30,219	219,674	32,855	
New Jersey . . . . .	786,247	8,022	-	-	8,022	1,709	401	414	-	
Pennsylvania . . . . .	10,100,152	2,617,152	1,472,873	1,472,873	4,089,935	67,232	6,232	52,814	4,625	
Delaware . . . . .	24,179	7,195	-	-	7,195	653	-	308	-	
Maryland . . . . .	4,804,135	3,662,273	1,142,192	1,142,192	4,804,465	52,485	6,446	54,983	6,890	
District of Columbia . . . . .	205,921	914,285	13,812	13,812	928,097	10,067	-	13,466	261	
Virginia . . . . .	395,352	3,782,493	3,032	3,032	3,787,431	12,762	5,071	40,620	6,771	
North Carolina . . . . .	283,347	561,566	-	-	561,566	31,959	1,798	51,942	1,512	
South Carolina . . . . .	1,139,618	8,131,676	40,910	40,910	8,175,586	27,096	23,597	66,337	24,473	
Georgia . . . . .	380,293	4,980,642	734	734	4,981,376	13,118	8,493	47,468	9,794	
Alabama . . . . .	233,720	1,679,385	14,573	14,573	1,693,958	11,783	5,400	14,494	4,953	
Mississippi . . . . .	6,857,209	10,598,183	1,487,577	1,487,577	12,386,069	67,030	32,535	87,657	33,172	
Louisiana . . . . .	293	2,004	-	-	2,004	25	239	-	-	
Ohio . . . . .	2,057	-	-	-	-	71	-	71	-	
Michigan Territory . . . . .	153,612	38,163	17,223	17,223	56,086	5,351	1,692	6,059	1,170	
Florida . . . . .	-	-	-	-	-	-	-	-	-	
Total, dollars.	74,492,527	55,700,193	16,658,478	16,658,478	72,358,671	872,919	130,743	914,799	133,006	

STATISTICAL VIEW of the Commerce of the United States, exhibiting the value of Imports from, and the value of articles of Exports to, each Foreign country; also the tonnage of American and Foreign vessels arriving from, and departing to, each Foreign country, during the year ending on the 30th day of September, 1829.

COUNTRIES.	COMMERCE.		NAVIGATION.						
	VALUE OF IM- PORTS.	VALUE OF EXPORTS.		TONNAGE.					
		Domestic Pro- duce.	Foreign Pro- duce.	American.		Foreign.			
				Entered into the U. States.	Departed from U. S.	Entered into the U. States.	Departed from U. S.	Departed from U. S.	
		Dollars.				Tons.			
Russia,	2,218,995	51,684	334,542	16,420	2,943	1,015			
Prussia,	22,935	14,411	-	389	188				
Sweden and Norway,	1,020,910	122,663	126,971	13,453	2,255	2,000			1,114
Swedish West Indies,	283,049	684,323	23,791	17,969	28,246	815			328
Denmark,	32,911	73,597	13,166	-	1,043	-			1,070
Danish West Indies,	2,083,266	1,942,010	282,401	43,463	56,738	482			1,299
Netherlands,	1,037,854	3,095,857	889,330	24,453	38,372	1,649			4,951
Dutch East Indies,	121,348	62,074	176,318	907	1,985				
Dutch West Indies,	438,132	379,374	18,667	13,325	12,217	241			363
England,	23,892,763	21,281,334	1,767,457	169,207	179,843	61,011			60,722
Scotland,	1,024,215	895,315	19,493	2,275	2,609	9,908			7,699
Ireland,	362,511	327,728	366	6,113	4,833	6,185			2,502
Gibraltar,	247,471	301,132	160,130	5,718	8,701				
British African Ports,	7,757	-	-	116	-				
British East Indies,	1,220,569	69,070	477,629	3,173	3,050	676			
British West Indies,	240,224	1,463	5,038	32,777	5,418	317			
British American Colonies,	577,542	2,724,104	40,805	58,492	93,645	4,409			10,569
Newfoundland,	-	-	-	125	179				
Hanse Towns, &c.,	2,274,375	1,998,176	1,278,984	12,962	21,962	7,290			10,894
France on the Atlantic,	8,248,921	8,008,923	2,105,573	54,425	73,862	4,429			7,785
France on the Mediterranean,	590,057	836,122	748,777	9,458	18,843				
French West Indies,	777,992	1,056,639	15,768	40,516	65,019	9,344			4,317
Bourbon,	-	10,302	-	-	-	-			-
Hayti,	1,799,809	814,987	160,171	21,370	18,164	3,205			2,988

Spain on the Atlantic,	327,409	545,753	139,732	7,806	12,719	167	1,550
Spain on the Mediterranean,	474,120	185,952	45,700	8,270	4,516	179	
Teneriffe and other Canaries,	25,283	42,839	23,317	448	1,714		
Manilla and Philippine Islands,	209,206	10,802	66,130	2,137	594		
Cuba,	4,866,524	3,719,263	1,839,026	99,779	114,599	11,548	8,120
Other Spanish West Indies,	898,832	209,780	38,900	19,179	11,051	337	216
Portugal,	237,351	42,088	623	23,570	2,307	562	
Madeira,	403,056	175,074	15,089	3,130	6,091	669	669
Fayal and other Azores,	21,302	7,949	78	731	672	137	137
Cape de Verd Islands,	26,460	68,523	13,477	1,310	3,263		83
Italy and Malta,	1,409,588	289,755	611,257	13,311	7,031	171	
Sardinia,	-	-	-	345			
Trieste and other Adriatic Ports,	191,896	409,288	280,200	4,432	6,384	-	129
Turkey, Levant, and Egypt,	293,237	27,600	47,384	2,797	687		
Morocco and Barbary States,	10,710	-	-	137			
Mexico,	5,026,761	-	-	20,352	21,652	3,415	4,719
Central Republic of America,	311,931	123,631	116,223	3,435	8,320		
Honduras, Campeachy, &c.,	64,847	12,893	8,229	13,614	8,490	282	138
Colombia,	1,255,310	525,783	241,565	32,482	40,978	-	136
Brazil,	2,535,467	1,510,260	419,767				
Cisalpine Republic,	3,076	-	-	5,860	7,422	-	109
Argentine Republic,	912,114	444,716	181,336				
Chili,	416,118	890,356	530,778	2,018	9,079		
Peru,	1,004,458	91,542	119,615	5,242	749		
South America, generally,	56,552	117,670	6,175	310	2,447		
Cape of Good Hope,	-	-	-	-	165		
China,	4,680,847	260,759	1,094,103	8,052	6,351		
West Indies, generally,	3,314	359,496	10,123	725	10,926	-	91
Asia, generally,	66,191	40,721	232,768	1,170	3,751		
Europe, generally,	300	102,364	250	2,392	920		
Africa, generally,	211,735	108,837	49,516	2,865	2,369	-	368
South Seas,	20,235	45,969	20,991	10,044	14,312		
Northwest Coast,	-	2,911	4,399				
Uncertain,	5,961	-	-				
Total,	74,492,327	55,700,193	16,658,173	872,949	944,799	130,743	133,006

STATEMENT exhibiting a condensed view of the Tonnage of the several Districts of the United States, on the last day of December, 1828.

DISTRICTS.	Registered Tonnage.	Enrolled and Licensed tonnage.	Total Tonnage of each District.
	Tons and 95ths.		
Passamaquoddy, Maine, - - -	13,032 67	3,821 52	16,854 23
Machias, - - - - -	181 08	5,951 17	6,132 25
Frenchman's Bay, - - - -	3,226 79	9,428 53	12,655 37
Penobscot, - - - - -	6,364 91	21,634 42	27,999 38
Belfast, - - - - -	3,423 37	12,921 16	16,344 53
Waldoborough, - - - - -	3,407 65	29,488 32	32,896 02
Wiscasset, - - - - -	2,661 73	9,549 82	12,211 60
Bath, - - - - -	19,619 11	16,672 53	36,291 64
Portland, - - - - -	37,060 84	19,889 00	56,949 84
Saco, - - - - -	2,170 15	2,533 55	4,703 70
Kennebunk, - - - - -	7,329 56	1,116 32	8,445 88
York, - - - - -	271 25	1,183 68	1,454 93
Portsmouth, New Hampshire,	19,722 02	6,531 16	26,253 18
Newburyport, Massachusetts,	12,280 62	14,707 49	26,988 16
Ipswich, - - - - -	69 60	1,312 01	1,381 64
Gloucester, - - - - -	4,219 03	11,890 02	16,109 05
Salem, - - - - -	34,425 09	13,785 82	48,210 91
Marblehead, - - - - -	2,742 84	9,076 11	11,819 00
Boston, - - - - -	119,167 59	56,694 59	176,162 23
Plymouth, - - - - -	12,121 82	16,211 17	28,366 34
Dighton, - - - - -	558 49	4,097 49	4,656 03
New Bedford, - - - - -	36,843 31	13,614 60	50,457 91
Barnstable, - - - - -	1,728 14	28,480 45	30,208 59
Edgartown, - - - - -	2,229 66	1,575 11	3,804 77
Nantucket, - - - - -	20,704 48	5,642 83	26,347 36
Providence, Rhode Island, -	12,289 53	7,962 88	20,252 46
Bristol, - - - - -	8,330 85	3,259 10	11,690 00
Newport, - - - - -	6,732 41	4,831 69	11,564 15
Middletown, Connecticut, -	5,880 45	13,286 36	19,166 81
New London, - - - - -	6,150 75	9,808 34	15,959 14
New Haven, - - - - -	4,416 86	9,024 61	13,441 52
Fairfield, - - - - -	366 28	11,925 77	12,292 10
Vermont, - - - - -	-	764 61	764 61
Champlain, New York, - - -	1,866 85	-	1,866 85
Sackett's Harbor, - - - -	918 03	1,281 25	2,199 28
Oswego, - - - - -	159 47	361 67	521 19
Niagara, - - - - -	-	-	-
Genesee, - - - - -	902 68	996 09	1,898 77
Oswegatchie, - - - - -	-	-	-
Buffalo Creek, - - - - -	-	-	-
Sag Harbor, - - - - -	3,679 12	5,065 68	8,744 80
New York, - - - - -	158,237 70	181,167 09	339,404 79
Cape Vincent, - - - - -	134 26	-	134 26
Perth Amboy, New Jersey, -	1,401 51	12,051 41	13,152 92
Bridgetown, - - - - -	312 39	18,339 36	18,651 75
Burlington, - - - - -	-	2,284 38	2,284 38
Little Egg Harbor, - - - -	-	4,545 57	4,545 57
Great Egg Harbor, - - - -	28 61	10,108 91	10,137 57
Philadelphia, Pennsylvania,	66,664 14	37,416 50	104,080 64
Presque Isle, - - - - -	175 36	358 43	533 79
Wilmington, Delaware, - -	357 78	12,855 58	13,213 41
Baltimore, Maryland, - - -	65,419 00	40,884 27	106,303 27
Oxford, - - - - -	231 69	20,428 53	20,660 27
Vienna, - - - - -	464 38	26,247 93	26,712 36
Snow Hill, - - - - -	525 37	8,122 58	8,648 00
Annapolis, - - - - -	-	4,494 71	4,494 71

# STATEMENT—CONTINUED.

DISTRICTS.	Registered Ton- nage.	Enrolled and Li- censed tonnage.	Total Tonnage of each District.
	Tons and 95ths.		
St Mary's, - - - - -		4,169 10	4,169 10
Georgetown, Columbia, - - - - -	2,474 13	4,712 78	7,186 91
Alexandria, - - - - -	5,907 91	10,137 85	16,045 81
Norfolk, Virginia, - - - - -	6,691 00	17,478 93	24,169 93
Petersburg, - - - - -	2,339 40	4,593 71	6,933 16
Richmond, - - - - -	3,543 17	4,882 11	8,425 28
Yorktown, - - - - -	49 54	2,805 57	2,855 16
East River, - - - - -	1,116 86	3,948 64	5,065 55
Tappahannock, - - - - -	1,802 53	11,794 11	13,596 64
Folly Landing, - - - - -	81 43	3,535 12	3,619 55
Cherrystone, - - - - -		2,636 83	2,636 83
Wilmington, North Carolina, - - - - -	12,334 53	1,717 30	14,051 83
Newbern, - - - - -	5,486 40	2,971 82	8,458 27
Washington, - - - - -	2,803 00	2,885 35	5,688 35
Edenton, - - - - -	2,668 06	7,527 73	10,195 79
Camden, - - - - -	4,589 83	6,022 07	10,611 90
Beaufort, - - - - -			
Plymouth, - - - - -	940 47	446 75	1,387 27
Ocracoke, - - - - -	1,622 59	2,078 38	3,701 02
Charleston, South Carolina, - - - - -	12,871 44	19,573 52	32,445 01
Georgetown, - - - - -		1,213 72	1,213 72
Beaufort, - - - - -			
Savannah, Georgia, - - - - -	6,016 65	4,686 83	10,703 53
Sunbury, - - - - -			
Hardwick, - - - - -	1,023 62	1,003 72	2,027 39
Brunswick, - - - - -	530 45	697 82	1,228 32
St Mary's, - - - - -			
Miami, Ohio, - - - - -	1,701 91		1,701 91
Cuyahoga, - - - - -	80 69	606 25	686 94
Sandusky, - - - - -	50 04	429 89	479 93
Detroit, Michigan, - - - - -			
Michilimackinac, - - - - -	3,526 07	6,916 90	10,443 02
Mobile, Alabama, - - - - -			
Blakeley, - - - - -	49 91	748 84	798 80
Pearl River, Louisiana, - - - - -	19,397 76	31,708 22	51,106 03
New Orleans, - - - - -			
Teche, - - - - -	199 35	163 72	363
Pensacola, Florida, - - - - -		392 06	392 06
St Augustine, - - - - -			
St Marks, - - - - -	1,508 27	518 46	2,026 73
Key West, - - - - -			
Total, - - - - -	812,619 37	928,772 50	1,741,391 87



# ABSTRACT of the Tonnage of the Shipping of the several Districts of the United States, on the last day of December, 1824.

DISTRICTS.	Registered.		Enrolled and Licensed.		L. censed under 20 tons.		Aggregate of each District.	Registered Tonnage employed in the fishery.	Proportion of the Enrolled and Licensed Tonnage employed in the		Steam Navigation.	
	Permanent.	Temporary.	Permanent.	Temporary.	Coasting Trade.	Cod Fishery.			Coasting Trade.	Fisheries.		
Tons and 35ths.												
Passamaquoddy, Maine,	2,160 79	10,871 82	3,411 67		311 13	69 67	16,854 23		2,833 87	607 75		
Maclias,		181 08	5,592 88		158 67	199 52	6,132 25		5,146 89	445 94		
Frenchman's Bay,	2,951 32	275 47	8,458 48		390 35	579 05	12,655 37		7,249 60	1,208 83		
Penobscot,	5,741 53	623 38	19,692 16		784 49	1,157 72	27,999 38		16,571 50	3,120 61		
Belfast,	2,282 00	1,111 37	12,710 59		65 83	144 64	16,341 58		11,528 65	1,181 89		
Waldoboro',	2,600 77	806 83	27,819 04		55 55	1,613 68	32,806 02		25,714 90	2,104 09		
Wiscasset,	2,084 29	577 44	8,221 73		203 00	1,125 09	12,211 00		4,971 91	3,249 77		
Bath,	17,603 67	2,015 39	15,749 55		215 59	707 34	36,291 64		14,195 20	1,554 35		
Portland,	31,686 26	2,374 58	18,484 09		615 12	789 74	56,949 84		15,001 58	3,482 46		
Saco,	1,991 74	175 36	2,442 74			90 76	4,703 70		2,107 70	335 04		
Kennebunk,	7,038 06	291 50	1,012 20		17 05	87 07	8,445 88		620 79	491 36		
York,	271 25		767 56	331 31	25 46	59 31	1,454 93		615 06	483 80		
Portsmouth, N. H.	17,579 09	2,112 88	6,431 32		34 70	65 0	26,253 18		2,163 29	4,268 03		
Newburyport, Mass.	10,468 53	1,821 94	14,694 73		12 71		26,988 16		9,102 17	5,592 56		
Ipswich,	69 60		1,086 39		84 58	141 02	1,881 64		1,086 39			
Gloucester,	3,988 19	930 79	9,998 31		240 89	1,650 72	16,109 05		2,979 25	7,019 06		
Salem,	83,418 90	1,006 14	13,413 17		155 19	217 46	48,210 91		10,837 53	2,575 59		
Marblehead,	2,713 84		8,516 49	287 23	272 34		11,819 01		5,054 04	3,749 68		
Boston,	105,876 62	13,590 92	51,624 15	3,605 79	644 58	820 0	176,162 23		45,779 00	9,450 94	349 64	
Plymouth,	11,722 24	399 68	15,736 07	1,111 51	139 67	221 17	28,366 81		10,123 61	5,756 92	92 54	
Dighton,	209 93	259 51	4,031 57		65 87		4,636 03		3,583 71	92 81	98 94	
New Bedford,	35,476 10	1,367 21	13,391 29		135 06	83 25	50,157 91	25,909 89	12,015 03	1,376 21		
Barnstable,	1,508 59	129 50	2,634 14		391 34	54 92	30,208 59		15,179 93	12,854 16		
Edgartown,	1,793 72	435 89	1,357 29		217 77		3,404 77	1,112 34	995 37	361 87		
Nantucket,	20,704 48		5,263 71	178 48	200 59		26,347 36	20,651 70	5,384 78	107 41		
Providence, R. Island,	11,641 45	618 08	7,852 04		80 84		20,252 46		7,617 77	264 22	144 49	
Bristol,	7,344 42	956 43	8,259 10				11,590 00		3,147 78	111 27		

Newport, -	6,413 33	319 09	4,539 33	82 67	212 36	11,564 15	3,888 77	3,501 37	1,037 91	274 80
Middletown, Conn. -	5,766 67	113 73	12,940 62		263 02	19,166 81		13,023 34		795 30
New London, -	5,008 04		8,451 84		568 08	15,939 14		6,993 86	1,457 93	126 61
New Haven, -	4,416 86	1,142 71	8,405 92		598 92	13,441 52		8,012 91	363 01	496 15
Fairfield, -	866 2		11,707 66		214 11	12,292 10		11,707 66		141 20
Vermont, Vermont, -			764 61			764 61		764 61		764 61
Champlain, New York, -	1,866 85					1,866 85				133 92
Sackett's Harbor, -	918 03		1,268 84		12 36	2,199 28		1,268 84		322 27
Oswego, -	159 47		361 67			321 19		361 67		
Niagara, -		358 07	995 09			1,808 77		995 09		
Genesee, -	544 61									
Oswegatchie, -										
Buffalo Creek, -	3,307 52	371 55	4,701 70		299 01	8,744 80	3,049 23	4,402 30	239 40	1,048 64
Saggs Harbor, -	128,285 29	29,952 11	173,130 84		7,571 93	339,404 79		173,130 84		
New York, -	45 45	48 76				131 26				668 37
Cape Vincent, -		1,101 51	10,959 06		1,062 35	13,152 92		10,989 06		136 35
Perrh Amboy, N. Jersey, -			16,513 78		1,795 53	18,651 75		10,543 75		
Bridgetown, -	312 39		2,284 38			2,284 38		2,284 38		
Burlington, -			4,208 29		337 28	4,315 57		4,208 29		
Little Egg Harbor, -			14 61		14 61	10,137 57		10,094 30		
Great Egg Harbor, -		28 61	10,094 30		3,970 23	10,137 57		33,446 27		3,596 26
Philadelphia, Penn. -	56,237 43	10,426 06	32,243 38	1,202 84		104,080 64		358 43		214 71
Presque Isle, -	175 36		358 43			533 79		11,867 31		372 56
Wilmington, Delaware, -	185 51	199 27	11,788 21	79 10	988 27	13,213 41		37,898 71		2,314 59
Baltimore, Maryland, -	58,536 04	6,882 91	37,898 71		2,985 51	106,303 27		18,466 48		
Oxford, -	231 60		18,466 48		1,062 03	20,660 27		23,436 44		
Vienna, -	407 32	57 06	23,496 41		2,751 49	26,712 36		7,249 25		297 00
Snowhill, -	334 29	191 08	7,249 25		873 33	8,618 00		4,190 40		
Annapolis, -			4,190 40		304 31	4,494 71		3,907 06		
St Mary's, -			3,907 06		262 04	4,169 10		4,403 87		687 46
Georgetown, Columbia, -	1,707 48	766 60	4,403 87		308 56	7,186 91		8,183 50		246 36
Alexandria, -	3,961 12	1,946 79	8,183 50		1,951 35	16,045 81		14,534 38		934 52
Norfolk, Virginia, -	2,982 11	3,808 84	11,853 69	2,080 04	2,944 55	24,169 93		3,983 43		143 37
Petersburg, -	1,553 44	753 91	3,729 48	256 35	607 52	6,933 16		4,690 01		
Richmond, -	1,560 52	1,982 60	4,690 01		192 10	8,425 28		2,506 49		
Yorktown, -		49 51	2,506 49		299 08	2,855 16		3,412 67		
East River, -	926 51	190 35	3,412 67		535 92	5,065 57				

## ABSTRACT — Continued.

Tappahannock	225 49	1,576 04	9,950 42	1,843 64	13,595 64	9,950 42
Folly Landing,	84 43		2,413 29	1,121 78	3,619 55	2,413 29
Cherrystone,			2,004 77	632 06	2,636 83	2,004 77
Wilmington, N. Car.	1,540 45	10,794 08	1,717 30		14,051 88	1,717 30
Newbern,	5,233 32	2,533 08	2,332 71	579 11	8,458 27	2,332 71
Washington,	480 55	2,322 40	1,846 92	994 38	5,688 85	1,896 92
Edenton,	750 65	1,917 36	6,091 59	82 50	10,195 79	6,174 14
Camden,	1,885 57	2,701 26	4,428 22	1,593 80	10,611 90	4,428 22
Beaufort,						
Plymouth,	257 74	682 68	446 75		1,387 27	446 75
Ocracoke,	354 64	1,267 90	2,078 88		3,701 02	2,078 88
Charleston, S. Carolina,	8,177 87	4,093 52	17,109 67	334 41	32,445 01	19,239 11
Georgetown,			1,213 72		1,243 72	1,243 72
Beaufort,						
Savannah, Georgia,	2,415 89	3,600 71	3,812 51	592 06	10,703 53	4,404 57
Sunbury,						
Hardwick,						
Brunswick,	430 44	593 18	735 19		2,027 39	812 42
St Mary's,	367 69	162 71	670 94		1,228 32	697 82
Miami,						
Cuyahoga,	1,701 91				1,701 91	
Sandusky,	80 69		549 82		686 94	549 82
Detroit,		50 04	420 89		470 93	420 89
Michilimackinac, Mich.						
Mobile, Alab.,	836 27	2,690 75	4,409 44	2,537 46	10,473 02	4,409 44
Blakeley,						
Pearl River, Mississippi,	49 91		642 08	106 76	798 80	642 08
New Orleans, Louisiana,	8,884 57	10,512 19	27,598 05	4,110 17	51,105 03	27,598 05
Teche,						
Pensacola,		199 35	79 70	84 02	363 12	79 70
St Augustine, Florida,			392 06		392 06	392 06
St Marks,						
Key West,	572 94	935 28	54 51	402 78	2,026 73	457 84
Appalachicola,						
Total,	664,566 06	1,48,053 31	550,080 39	12,140 10	55,680 04	10,921 92
						1,741,391 87
						54,621 08
						757,224 72
						74,945 72
						39,419 12

1,458 15

1,041 00

2,166 87

20,360 87

**A STATEMENT** exhibiting the quantity of American and Foreign Tonnage entered into, and departing from, each District, during the year ending on the 30th day of September, 1829.

DISTRICTS.	AMERICAN.		FOREIGN.	
	Entered.	Departing.	Entered.	Departing.
	Tons.			
Pasamaquoddy, - - -	11,927	20,198	2,814	2,705
Machias, - - -	1,035	885		
Frenchman's Bay, - - -	2,135	2,135		
Penobscot, - - -	1,546	2,023		
Waldoborough, - - -	1,747	1,572		
Wiscasset, - - -	1,133	875		
Bath, - - -	12,554	16,637	410	
Portland, - - -	30,156	37,006		
Kennebunk, - - -	1,319	1,613		
Belfast, - - -	509	1,991		
Saco, - - -	509	697		
York, - - -	90	90		
Portsmouth, - - -	8,723	6,746		
Vermont, - - -	24,367	24,101		
Newburyport, - - -	6,565	4,121		
Gloucester, - - -	2,616	3,751		
Salem, - - -	17,951	17,538	180	
Marblehead, - - -	2,071	1,132		
Boston, - - -	117,608	88,993	4,817	3,825
Plymouth, - - -	5,700	1,861		
Barnstable, - - -	315	114		
Nantucket, - - -	317	317		
Edgartown, - - -	9,116	4,059		
New Bedford, - - -	11,510	18,361		
Dighton, - - -	718	337		
Newport, - - -	3,161	3,109	139	
Bristol, - - -	3,580	4,363		
Providence, - - -	8,758	7,919		
New London, - - -	4,664	6,851	250	
Middletown, - - -	3,913	2,689		
New Haven, - - -	7,555	7,181		
Fairfield, - - -	411	59		
New York, - - -	211,518	205,313	26,019	26,343
Sagg Harbor, - - -	393			
Champlain, - - -	9,759	10,030		
Oswego, - - -	1,601	1,522	1,817	1,880
Genesee, - - -	1,709	1,911	1,948	2,067
Sackett's Harbor, - - -	1,362	1,408	375	565
Perth Amboy, - - -	1,709	354	401	
Bridgetown, - - -		90		
Philadelphia, - - -	67,222	53,841	6,232	4,615
Delaware, - - -	653	308		
Baltimore, - - -	51,613	51,248	6,446	6,890
Annapolis, - - -		139		
Snow Hill, - - -	733	596		
Oxford, - - -	439			
Georgetown, - - -	2,312	2,065		
Alexandria, - - -	7,225	11,101		261
Norfolk, - - -	7,272	15,361	3,926	4,011
Petersburg, - - -	1,794	7,143		503
Richmond, - - -	1,706	16,125	1,145	2,257
East River, - - -	1,043	497		
Tappahannock, - - -	294	894		
Folly Landing, - - -	338	324		
Cherry Stone, - - -	391	276		
Wilmington, - - -	17,615	24,937	1,798	1,512
Newbern, - - -	7,029	8,123		
Washington, - - -	2,732	4,616		
Edenton, - - -	2,162	4,217		
Camden, - - -	4,454	6,557		
Plymouth, - - -	967	3,462		
Charleston, - - -	27,696	66,337	23,507	24,473
Savannah, - - -	12,483	45,994	8,493	9,395
Brunswick, - - -	635	1,474		399
Pensacola, - - -	386	232	304	254
St Augustine, - - -		139		
Key West, - - -	4,965	5,638	1,388	916
Mobile, - - -	17,833	14,494	5,400	4,953
Mississippi, - - -	67,680	87,657	32,535	33,172
Ouyahoga, - - -	225		239	
Detroit, - - -	71	71		
Total, - - -	872,949	944,799	130,743	133,006

# RECAPITULATION OF THE TONNAGE OF THE UNITED STATES, FOR THE YEAR 1828.

The aggregate amount of the tonnage of the United States on the 31st of December, 1828, is stated at				Tons.	Tons.
Whereof—				1,741,391	87
Permanent registered tonnage,	-	-	-	664,566	06
Temporary do	-	-	-	114,033	31
Total registered tonnage,	-	-	-	812,619	37
Permanent enrolled and licensed tonnage,	-	-	-	850,030	39
Temporary do	-	-	-	12,140	10
Total enrolled and licensed tonnage,	-	-	-	862,170	49
Licensed vessels, under 20 tons, employed in the coasting trade,	-	-	-	55,680	04
Do do	-	-	-	10,921	92
Total licensed tonnage under 20 tons,	-	-	-	66,502	01
				1,741,391	87
Of the enrolled and licensed tonnage, there were employed in the coasting trade,	-	-	-	787,224	72
Do do	-	-	-	180	34
Do do	-	-	-	74,765	38
				862,170	49
Of the enrolled and licensed tonnage employed in the coasting trade, amounting, as above stated, to 862,170 49 tons, there were engaged in steam navigation 39,419 12 tons.					
The registered tonnage, employed other than in the whale fishery during the year 1828, amounted to	-	-	-	757,998	29
Amount employed in the whale fishery	-	-	-	54,621	08
				812,619	37

**SUMMARY STATEMENT of Merchandise, imported into the United States,  
in American and Foreign Vessels, commencing on the 1st day of  
October, 1828, and ending on the 30th September, 1829.**

SPECIES OF MERCHANDISE.	In American vessels.	In For. vessels.	Total.
<b>VALUE OF MERCHANDISE FREE OF DUTY.</b>			
Articles imported for the use of the United States		\$1,455	\$1,455
Articles especially imported for Philosophical Societies, &c.			
Philosophical apparatus	\$6,242		6,242
Books	10,829		10,829
Statuary, busts, casts and specimens of sculpture	462		462
Paintings, drawings, etchings and engravings	78		78
Anatomical preparations	60		60
Antimony, regulus of	4,796	122	4,918
Lapis calaminaris, teuteneque, spelter or zinc	8,607	335	8,942
Burr stones, unwrought	9,067		9,067
Brimstone and Sulphur	12,915	1,510	14,425
Cork tree, bark of	2,448		2,448
Clay, unwrought	3,036	140	3,176
Rags of any kind of cloth	187,928	10,671	198,599
Furs of all kinds	326,706	7,297	334,003
Hides and skins, raw	2,231,524	21,085	2,252,609
Plaster of Paris	64,682		64,682
Specimens of botany, natural history and mineralogy	11,758	1,951	13,709
Models of inventions and machinery	3,044		3,044
Barilla	22,549		22,549
Wood, dyed	233,383	26,308	259,691
“ unmanufactured, mahogany and other	214,855	99,385	314,240
Animals for breed	19,995	361	20,356
Pewter, old	1,089		1,089
Tin, in pigs and bars	80,819	3,298	84,117
Brass, old	9,312		9,312
Copper, in pigs and bars	385,996	36	386,032
“ in plates, suited to the sheathing of ships	264,219	9,561	273,780
“ for the use of the mint	14,495		14,495
“ old, fit only to be manufactured	83,156	1,754	84,910
Bullion, gold	110,408	230	110,638
“ silver	834,707	2,400	837,107
Specie, gold	680,747	25,281	706,028
“ silver	5,463,898	285,941	5,749,839
All other articles	2,570		2,570
	\$11,306,380	\$490,121	\$11,805,501
<b>VALUE OF MERCHANDISE PAYING DUTIES AD VALOREM.</b>			
<b>Manufactures of Wool.</b>			
Not above 50 cents per square yard	\$571,256	23,039	594,295
100 do	1,355,654	5,053	1,360,707
250 do	1,264,605	13,569	1,278,174
400 do	90,049	3,203	93,252
Above 400 do	9,432	134	9,566
Flannels and baizes	91,587	3,447	95,034
Blankets	410,949	44,618	455,467
Hosiery, gloves, mts, &c.	222,504	8,482	230,986

## STATEMENT — Continued.

Worsted stuff goods	-	-	-	1,568,971	31,651	1,600,622
All other articles	-	-	-	542,435	9,523	551,958
Manufactures of Cotton.						
Printed and colored	-	-	-	4,060,223	343,855	4,404,078
White	-	-	-	2,004,104	238,701	2,242,805
Hosiery, gloves, mits, &c.	-	-	-	487,529	99,468	586,997
Twist, yarn and thread	-	-	-	139,557	33,563	173,120
Nankeens	-	-	-	531,017	11,162	542,179
All other manufactures of	-	-	-	396,665	16,173	412,838
Silks from India.						
Piece goods	-	-	-	1,733,973	75,418	1,809,391
Other articles of	-	-	-	203,693		203,693
Silks from other places.						
Piece goods	-	-	-	2,997,612	17,793	3,015,405
Other articles of	-	-	-	2,000,838	19,301	2,020,139
Vestings and plaids — wool, or wool and cotton	-	-	-			
or silk	-	-	-	232,725	303	233,028
cotton or cotton and silk	-	-	-	16,920	1,503	18,423
Flax and linens, bleached and unbleached	-	-	-	1,855,022	625,159	2,480,181
Checks and stripes	-	-	-	97,153	4,565	101,720
All other articles paying a duty of 25 per cent	-	-	-	227,812	32,718	260,530
Hemp — Tickenburgs, Osnaburgs and Burlaps	-	-	-	106,677	125,032	231,709
Russia sheetings, brown	-	-	-	230,560		230,560
white	-	-	-	17,296		17,296
All other articles of, except cordage	-	-	-	41,902	7,603	49,505
Iron and Steel.						
Side arms and fire arms, other than rifles and muskets	-	-	-	125,004	7,220	132,224
Drawing knives, axes, adzes and socket chisels	-	-	-	17,923	1,361	19,287
Bridle bits of all descriptions	-	-	-	49,034	302	49,336
Steelyards, scales, beams and vices	-	-	-	31,896	588	32,484
Cutting knives, scythes, sickles, reaping hooks, spades and shovels	-	-	-	58,833	18,420	77,252
Screws, weighing 24 pounds and upwards	-	-	-	2,640		2,640
Screws (called wood screws)	-	-	-	60,504	1,373	61,877
Other articles not specified	-	-	-	2,447,630	277,740	2,725,370
Copper.						
Vessels of	-	-	-	2,279	1,896	4,175
All other manufactures of, paying a duty of 25 per cent	-	-	-	30,555	12,455	43,010
Brass	-	-	-	298,778	17,553	316,331
Tin	-	-	-	8,867	2,234	11,101
Pewter and lead, except shot	-	-	-	21,232	3,418	24,650
Wood, including cabinet ware	-	-	-	114,069	6,812	120,881
Leather, including saddles, bridles and harness	-	-	-	536,588	7,012	543,600
Glass Ware, not subject to specific duties	-	-	-	102,763	41,520	144,283
China or porcelain	-	-	-	94,540	3,387	97,927
Earthen and stone	-	-	-	998,981	240,836	1,239,817
Japanned	-	-	-	52,927	26	52,953
Plated	-	-	-	115,632		115,632
Gilt	-	-	-	69,926	12	69,938
Gold, Silver, &c.						
Watches and parts of	-	-	-	301,789	44,668	346,457
Articles composed wholly or chiefly of pearls and precious stones, set, &c.	-	-	-	63,859	5,952	69,811

## STATEMENT — Continued.

Lace—thread, silk, or cotton, other than coach, coach, - - - - -	790,970 541	12,533	803,503 541
Plated saddlery, coach and harness furniture, -	25,706		25,706
Square wire, used for umbrella stretchers, -	7,613		7,613
Marble, and manufactures of marble, -	18,638	2,895	21,528
Cyphering slates, - - - - -	6,473	1,849	8,322
Prepared quills, - - - - -	14,979	7,077	22,056
Black lead pencils, - - - - -	1,305	964	2,269
Paper hangings, - - - - -	80,455	2,356	82,811
Brushes of all kinds, - - - - -	5,415	219	5,634
Quicksilver, - - - - -	210,608		210,608
Hair cloth and hair seating, - - - - -	14,166	139	14,305
Bolting cloth, - - - - -	41,774	500	42,274
Hats, Caps, and Bonnets :			
Leghorn, straw, chip, or grass flats, braids, or plaits, - - - - -	513,157	724	513,881
Fur, wool, leather or silk, - - - - -	26,783	3,780	30,563
Ready made clothing, - - - - -	67,647	11,489	79,136
Unmanufactured :			
Copper bottoms, and copper in plates or sheets, not suited to the sheathing of ships, - -	6,044	5,391	11,425
Brass, in plates and sheets, - - - - -	17,416		17,416
Tin, in plates or sheets, - - - - -	274,216	46,110	320,326
Raw silk, - - - - -	101,796		101,796
Opium, - - - - -	107,171		107,171
Articles not specially enumerated, subject to duty of 12½ per cent, - - - - -	762,949	14,90	777,856
Do. do. 15 per cent,	1,996,460	138,27	2,134,731
Do. do. 20 do. -	69,288	4,828	74,116
Do. do. 25 do. -	93,082	17,21	110,292
Do. do. 30 do. -	366,693	42,505	409,201
Do. do. 33½ do. -	362		362
Do. do. 35 do. -	474	28	757
Do. do. 45 do. -	167		167
Do. do. 50 do. -	1,009		1,009
\$34,742,382   3,103,916   37,846,298			



## SUMMARY STATEMENT OF IMPORTS—Continued.

SPECIES OF MERCHANDISE.	In American Vessels.		In Foreign Vessels.		Total.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<i>Quantity and value of merchandise, subject to specific rates of duties.</i>						
Manufactures of wool, not exceeding 33½ cts. per sq. yard	950,786		111,857	27,199	1,062,643	288,174
Carpeting—Brussels	48,517		1,961		50,478	
Turkey	888				888	
Wilton	13,204				13,204	
Venetian	88,253				93,844	
Ingrain	208,096		39,553	33,047	247,649	323,254
All other of wool, flax, hemp, or cotton	24,167		2,511		26,678	
Patent printed or stained floor cloths	13,292	10,300	9,657	8,256	22,949	18,556
Oil cloth, other than painted floor cloths	2,681	1,359	192	40	2,873	1,399
Furniture oil cloth	16,470	5,830	1,681	443	18,151	6,273
Floor matting, of flags or other materials	69,848	8,987	1,823	526	71,671	9,513
Cotton bagging	496,168	49,163	2,233,667	224,610	2,729,835	274,073
Sail duck	1,063,974	349,927	50,159	12,406	1,114,133	362,383
Wines—Madeira	255,012		27,648		282,660	
Burgundy, Champagne, Rhénish, or Tokay	92,751		811		23,502	
Sherry and St. Lucar	62,689				62,689	
Lisbon, Oporto, and other wines of Portugal						
and Sicily	352,317		33		352,350	
Teneriffe, Fayal, and other wines of the		1,452,356		87,206		1,569,562
Western Islands	51,930				61,467	
Claret, and other wine not enumerated,	336,657		6,537		356,332	
when imported in bottles or cases			19,075			
All other wines, when imported otherwise						
than in bottles or cases	1,848,251		93,234		1,931,485	319,123
Spirits—from grain	611,406	291,818	39,129	27,303	700,535	
Other materials	2,625,926	1,083,541	91,363	41,950	2,723,349	1,128,791

Molasses	-	-	-	1,461,819	150,504	22,285	10,150,224	1,484,104
Beer, Ale, and Porter	-	-	-	66,039	11,375	9,712	77,414	71,282
Vinegar	-	-	-	50,775	4,545	835	55,320	10,144
Oil—Whale and other fish	-	-	-	1,372	-	-	1,372	-
Oil in casks	-	-	-	92,180	3,329	-	95,509	-
Castor	-	-	-	659	-	-	659	-
Linseed	-	-	-	94,728	36,800	16,969	131,528	109,782
Rapeseed	-	-	-	29	-	-	29	-
Hempseed	-	-	-	52	-	-	52	-
Teas—Bohea	-	-	pounds	54,808	-	-	54,868	-
Souchong and other Black	-	-	-	1,325,711	3	-	1,325,714	-
Hyson Skin and other Green	-	-	-	1,777,809	415	101	1,778,224	-
Hyson and Young Hyson	-	-	-	2,977,751	-	-	2,977,751	-
Imperial	-	-	-	500,233	-	-	500,233	-
Coffee	-	-	-	4,452,491	1,574,636	136,004	51,133,538	4,588,585
Cocoa	-	-	-	255,704	5,551	370	3,604,450	236,074
Chocolate	-	-	-	3,598,899	-	17	3,628	986
Sugar—Brown, &c	-	-	-	3,534	94	-	-	-
White, clayed, &c	-	-	-	36,640,175	1,957,399	106,251	58,597,374	3,218,526
Candy and Loaf	-	-	-	4,596,328	113,392	8,310	4,709,720	403,880
Other, refined	-	-	-	748	54	14	802	141
Fruits—Almonds	-	-	-	525	-	-	525	108
Currants	-	-	-	849,213	28,925	-	877,438	-
Prunes and Plums	-	-	-	29,334	-	-	29,334	-
Figs	-	-	-	96,091	4,802	5,609	100,896	-
Raisins, in jars, boxes, and Muscatel	-	-	-	1,220,254	12	-	1,220,266	-
All others	-	-	-	2,283,562	44,679	-	2,328,241	-
Candles—Spermaceti and Wax	-	-	-	1,691,705	-	-	1,691,705	-
Tallow	-	-	-	177	189	68	366	116
Cheese	-	-	-	132,889	9,534	5	132,917	9,563
Soap	-	-	-	163,803	15,078	2,099	177,536	17,177
Tallow	-	-	-	458,884	30,154	76	460,245	30,230
Lard	-	-	-	1,015,358	82,435	-	1,015,358	82,435
Beef and Pork	-	-	-	42	105	13	147	16
Bacon	-	-	-	412,034	18,132	1,274	430,166	17,598
Butter	-	-	-	4,189	5,337	504	9,526	1,073
	-	-	-	571	1,423	231	1,994	259

## SUMMARY STATEMENT OF IMPORTS—Continued.

Quantity and value of Merchandise, subject to specific rates of duties.		Quantity.	Value.	Quantity.	Value.	Quantity.	Total Value.
Salt Petre	-	224	13			224	13
Vitriol, Blue and Roman	-	6	4			6	4
Camphor—Crude	-	87,181	25,736			87,181	25,739
Refined	-	15,755		8	3	15,763	
Salts—Epsom	-	58				58	
Glauber	-	244	14				54
Spices—Ginger	-	547		1,182	40	1,426	
Cayenne Pepper	-	36				547	
Mace	-	5,874				36	
Nutmegs	-	63,322		2		5,874	
Cinnamon	-	11,061		4		63,324	
Cloves	-	52,378	453,411		8,128	11,065	461,539
Black Pepper	-	2,264,392		52		52,378	
Pimento	-	1,295,643		74,433		2,264,444	
Cassia	-	524,320				1,370,076	
Tobacco—Manufactured other than Snuff and Cigars	-	61	40			524,320	
Snuff	-	2,052	302	7	6	61	40
Indigo	-	1,006,466	1,117,264	1,421	2,339	2,059	308
Cotton	-	460,654	53,413	23,738	1,400	1,007,590	1,410,653
Gunpowder	-	85,492	19,214	725	925	484,392	54,813
Bristles	-	103,751	26,339	207	75	86,217	19,439
Glue	-	2,256	246	2,404	302	103,958	26,414
Ochre—Dry	-	533,436	8,291	60,411	1,130	4,660	548
In Oil	-			112	4	593,847	9,331
White and Red Lead, dry or ground in oil	-	271,549	16,174	92,944	5,781	112	4
Whiting and Paris White	-	85,040	564	710,047	6,759	364,493	21,955
Libarge	-	5,505	191			795,087	7,323
Orange Mineral	-	335	35			5,505	191
	-					335	35

Sugar of Lead	-	-	-	98,123	20,841	212	40	98,335	20,894
Lead—Bar, sheet, and pig	-	-	-	1,609,611	50,759	30,078	1,093	1,639,689	51,852
Shot	-	-	-	7,702	292	26	2	7,728	294
Cordage—Tarred and cables	-	-	-	1,801,465	91,710	46,786	2,726	1,848,251	97,436
Untarred and yarn	-	-	-	100,597	7,687	9,178	1,181	109,775	8,868
Twine, pack thread, seine, &c	-	-	-	422,580	76,361	57,813	11,324	480,402	87,692
Corks	-	-	-	105,714	31,987	1,392	339	170,106	35,325
Copper—Rods and bolts	-	-	-	274	29			274	29
Nails and spikes	-	-	-	3,103	641	2,769	626	5,972	1,267
Fire Arms—Muskets	-	-	-	13,480	43,118	457	1,507	13,937	44,715
Rifles	-	-	-	9	103	1	20	10	125
Iron and Steel wire	-	-	-	445,582	49,995	17,563	1,172	463,145	51,170
Tacks, brads, and sprigs, not exceeding 16 oz. per thousand	-	-	-	13,415	4,016	1,598		13,415	4,249
Exceeding 16 oz. per thousand	-	-	-	8,751		160,885	253	5,349	36,723
Nails	-	-	-	371,522	26,912	55,929	9,811	532,407	3,313
Spikes	-	-	-	24,582	1,050	176,035	2,265	80,511	41,007
Cables and Chains, or parts thereof	-	-	-	634,337	32,515		8,582	810,372	50
Mill cranks and Mill irons, of wrought iron	-	-	-	300	50	153	595	4,126	12,536
Mill Saws	-	-	-	3,973	11,941	7,252	481	54,023	2,979
Anchor	-	-	-	46,771	2,498	133,037	6,197	699,836	37,873
Anvils	-	-	-	566,799	31,676	12,893	505	65,896	3,040
Hammers and Sledges for Blacksmiths	-	-	-	52,993	2,454	471,445	15,395	1,248,157	41,782
Castings, vessels and all others	-	-	-	773,712	26,387				6,164
Braziers' rods, or round iron, of 3-16 to 8-16 diameter	-	-	-	84,784	2,660	84,747	3,504	169,531	234
Nails, or Spike rods, slit	-	-	-	5,610	205	1,072	29	7,282	89,057
Sheets and hoops	-	-	-	2,045,920	78,151	395,104	10,906	2,441,024	28,811
In pigs	-	-	-	11,481	14,827	11,290	13,984	22,771	119,326
Bar and Bolt rolled	-	-	-	54,199	96,726	12,209	22,600	66,408	1,864,049
Do. do. hammered	-	-	-	61,250,867	1,771,911	4,788,593	112,138	66,039,460	289,831
Steel	-	-	-	16,306	192,696	7,694	97,135	24,000	655,935
Hemp	-	-	-	85,982	595,789	9,213	60,146	95,195	82,083
Flax	-	-	-	10,986	79,718	357	2,365	11,343	239,82
Wool	-	-	-			782	340	1,494,439	1
Alum	-	-	-	1,408,657	239,512				

## SUMMARY STATEMENT OF IMPORTS. — Continued

<i>Quality and value of Merchandise, subject to specific rates of duties.</i>				Quantity.	Value.	Quantity.	Value.	Quantity.	Total Value.
Copperas	-	-	-	370	209	1,452	1,844	1,822	2,053
Wheat flour	-	-	-	146	383	5	6	151	389
Salt	-	-	-	5,017,484	578,565	922,063	136,053	5,945,517	714,618
Coal	-	-	-	999,324	119,902	273,646	26,091	1,272,970	145,903
Wheat	-	-	-	263	305			263	305
Oats	-	-	-	216	102			216	102
Potatoes	-	-	-	30,567	12,090	15,915	\$,681	46,482	17,771
Paper —				64,163		1,009		65,172	
Folio and quarto post	-	-	-	483,569		166		483,735	
Foolscap, drawing and writing	-	-	-	4,412			1,085	4,412	
Printing, copperplate and stainers	-	-	-	49,576	\$3,173	3,531		53,107	
Sheathing, binders', wrapping, &c	-	-	-	18,517		432		19,979	
All other	-	-	-	74,151		6		2,924	
Books —				2,918		2,855		77,006	
printed previous to 1775	-	-	-	1,375		133	2,403	4,503	133,528
In other languages than English, Latin and Greek	-	-	-	98,018	136,125	437		98,455	
Latin and Greek	-	-	-	28,064		6,127		34,491	
All other	-	-	-	543,949	8,056	783,005	2,635	1,326,951	10,691
Glass —				428	71,807	152	76,741	111	148,638
Cut and not specified	-	-	-	20	1,101	91	813	12,217	2,004
All other articles	-	-	-	5,929		6,984		147	
Apothecary's Vials, not above 6 oz. and less, groce	-	-	-	107	27,107	40	31,395	19	59,592
do. above 6 oz. and not exceeding 8 oz.	-	-	-	7		12		60,825	
Bottles, not above one quart	-	-	-	30,394	10,651	30,431	9,376	736	20,027
Exceeding 1 qt. and above 2 quarts	-	-	-	241		492		351	
Over 2 quarts and not above 4 quarts	-	-	-	110		241		240	
Demijohns	-	-	-	99	13,914	1,663	36,437	2,220	50,355
Window, not above 8 by 10 inches	-	-	-	557				83	
Not above 10 by 12 inches	-	-	-	61					
Above 10 by 12 and not above 10 by 15	-	-	-						
Above 10 by 15	-	-	-						
Unrent in plates	-	-	-						

Fish — Foreign, caught, dried and smoked	-	quantals	-	162	15,896	30	286	493
Salmon, pickled	-	barrels	-	999				999
Mackerel	-	"	-	95				95
All other	-	"	-	122				122
Shoes — Silk	-	pairs	-	1,503		16		138
Prunella, &c	-	"	-	1,543		256		1,759
Leather, morocco, kid, &c	-	"	-	2,823		20		1,563
Children's	-	"	-	221		367	101	3,190
Boots and bootcases, &c	-	"	-	198		14		235
Cigars	-	M	-	27,770	580	9	25	207
Playing cards	-	packs	-	620	304,176	1,117	6,467	28,887
Roofing slates, not exceeding 12 by 6 inches	-	tons	-	609	69			620
12 by 14 "	-	"	-	736		2,209		2,817
14 by 16 "	-	"	-	1,252		182		938
16 by 18 "	-	"	-	253		592		1,824
18 by 20 "	-	"	-	818	32,051	367		620
20 by 24 "	-	"	-	143		733		1,553
Above 20 by 24 "	-	"	-			380		523
	-	"	-			59		59
Total value of merchandise paying specific duties	-		-	23,276,790			1,363,938	24,640,728
Do do	-		-	34,712,382			3,103,916	37,816,298
Do do	-		-	11,306,380			499,121	11,805,501
Total value, Dollars.	-		-	69,325,552			5,106,975	74,432,527

**SUMMARY STATEMENT of the value of the Exports of the Growth, Produce, and Manufacture of the United States, during the year ending on the 30th day of September, 1829.**

**THE SEA.**

**Fisheries—**

Dried fish, or cod fisheries, -	747,511
Pickled fish, or river fisheries, herring, shad, salmon, mackerel, -	220,527
Whale (common) oil, and whalebone, -	495,163
Spermaceti oil and candles, -	353,869

1,817,100

**THE FOREST.**

Skins and furs, - - - -	526,507
Ginseng, - - - -	114,396
Product of wood—	
Staves, shingles, boards, and other lumber, - - - -	1,680,403
Oak bark, and other dye, - - -	165,106
Naval stores, tar, pitch, rosin and turpentine, - - - -	377,613
Ashes, pot and pearl, - - - -	817,434

3,040,856

**AGRICULTURE.**

3,681,759

**Product of animals—**

Beef, tallow, hides, and horned cattle, -	674,955
Butter and cheese, - - - -	176,205
Pork (pickled) bacon, lard, live hogs, -	1,493,629
Horses and mules, - - - -	207,858
Sheep, - - - -	10,644

**Vegetable food—**

Wheat, flour, and biscuit, - - -	5,972,920
Indian corn and meal, - - -	974,535
Rye meal, - - - -	127,001
Rye, oats, and other small grain and pulse, -	74,896
Potatoes, - - - -	30,079
Apples, - - - -	15,958
Rice, - - - -	2,514,370

9,709,762

Tobacco, - - - -

12,273,053

Cotton, - - - -

4,982,974

**All other agricultural products—**

Flaxseed, - - - -	113,010
Hops, - - - -	6,917
Brown sugar, - - - -	3,289

123,248

**MANUFACTURES.**

Soap and tallow candles, - - -	692,691
Leather, boots and shoes, - - -	356,658
Saddlery, - - - -	35,765
Hats, - - - -	270,780
Wax, - - - -	132,939
Spirits from grain, beer, ale, and porter, -	215,494
Wood (including coaches and other carriages), - - - -	501,916
Snuff and tobacco, - - - -	202,396
Lead, - - - -	8,117
Lined oil and spirits of turpentine, -	30,112
Cordage, - - - -	7,984

## SUMMARY STATEMENT—CONTINUED.

Iron, - - - - -		223,705	
Spirits from molasses, - - - - -		166,740	
Sugar refined, - - - - -		50,739	
Chocolate, - - - - -		1,759	
Gunpowder, - - - - -		171,924	
Copper and brass, - - - - -		129,647	
Medicinal drugs, - - - - -		101,524	
Cotton piece goods—			3,301,550
Printed and colored, - - - - -	145,024		
White, - - - - -	981,370		
Nankeens, - - - - -	1,878		
Twist, yarn, and thread - - - - -	3,849		
All other manufactures of - - - - -	127,336		
Flax and hemp—		1,259,457	
Cloth and thread, - - - - -		2,166	
Bags, and all manufactures of - - - - -		14,954	
Wearing apparel, - - - - -		91,108	
Combs and buttons, - - - - -		76,250	
Brushes, - - - - -		3,150	
Bilhard tables and apparatus, - - - - -		3,443	
Umbrellas and parasols, - - - - -		22,067	
Leather and morocco skins, not sold, per lb. - - - - -		80,173	
Fire engines and apparatus, - - - - -		2,832	
Printing presses and type, - - - - -		12,908	
Musical instruments, - - - - -		8,868	
Books and maps, - - - - -		29,010	
Paper and other stationary, - - - - -		25,629	
Paints and varnish, - - - - -		21,133	
Vinegar, - - - - -		5,953	
Earthen and stone ware, - - - - -		5,592	
Manufactures of glass, - - - - -		49,900	
tin, - - - - -		1,767	
pewter and lead, - - - - -		5,185	
marble and stone, - - - - -		2,647	
gold and silver, and gold leaf, - - - - -		11,250	
Gold and silver coin, - - - - -		612,886	
Artificial flowers and jewelry, - - - - -		21,627	
Molasses, - - - - -		1,992	
Trunks, - - - - -		11,248	
Brick and lime, - - - - -		3,717	
Salt, - - - - -		27,648	
Articles not distinguished in returns—			2,414,550
Manufactured, - - - - -		309,100	650
Raw produce, - - - - -		221,544	
			530,650
			\$55,700,193



STATEMENT showing the whole amount of Indian Annuities now payable under treaty provisions; dates of the acts of appropriation; names of tribes to whom payable: the sums which are permanent, and those which are limited, and the terms of limitation.

Date of Act.	Names of Indian Tribes.	Annuity.	Permanent.	Limited.	Term
1796, May 6	Wyandots, - -	1,000	1,000		
	Shawanese, - -	1,000	1,000		
	Delawares, - -	1,000	1,000		
	Weas, - - -	500	500		
	Piankashaws, - -	500	500		
	Kaskaskias, - -	500	500		
	Ottowas, - - -	1,000	1,000		
	Chippewas, - -	1,000	1,000		
	Pottawatamies, - -	1,000	1,000		
	Eel Rivers, - -	500	500		
1799, Feb. 25	Six Nations, New York,	4,500	4,500		
	Creeks, - - -	1,500	1,500		
	Cherokees, - -	6,000	6,000		
	Chickasaws, - -	3,000	3,000		
1805, March 3	Sacs and Foxes, - -	1,000	1,000		
1806, April 21	Wyandots, Munsees, Dela- wares, &c., - -	825	825		
	Weas, - - -	250	250		
	Cherokees, - -	3,000	3,000		
	Eel Rivers, - -	250	250		
1807, March 3	Piankashaws, - -	300	300		
1808, Feb. 19	Wyandots, - - -	400	400		
	Ottowas, - - -	800	800		
	Chippewas, - -	800	800		
	Pottawatamies, Huron, -	400	400		
	Choctaws, - - -	3,000	3,000		
1810, May 1	Delawares, - - -	500	500		
	Weas, - - -	400	400		
	Pottawatamies, - -	500	500		
	Eel Rivers, - -	350	350		
1811, March 3	Osages, - - -	1,500	1,500		
1816, April 26	Young King, Seneca chief,	200		200	Life
1817, March 3	Choctaws, - - -	6,000		6,000	1836
1819, March 3	Wyandots, - - -	4,500	1,500		
	Shawanese, - - -	2,000	2,000		
	Shawanese and Senecas, Lewistown, - -	1,000	1,000		
	Senecas, Lewistown, -	1,000	1,000		
	Delawares, - - -	4,000	4,000		
	Weas, - - -	1,850	1,850		
	Ottowas, - - -	2,500	1,500	1,000	1832
	Pottawatamies, - -	3,800	2,500	1,300	1832
	Quapaws, - - -	1,000	1,000		
	Creeks, - - -	3,000	3,000		
	Chippewas, - - -	1,000		1,000	1832
	Chickasaws, - - -	20,000		20,000	1833
1820, May 15	Chippewas, - - -	1,000	1,000		
1822, May 7	Kaskaskias, - - -	500	500		
	Ottowas, - - -	2,500	1,000	1,500	1831
	Choctaws, - - -	3,000	3,000		
	Pottawatamies, - -	5,000		5,000	1841
	Same, - - -	1,000		1,000	1836
	Kickapoos of Illinois, -	2,000		2,000	1834
	Chippewas, pleasure of the President, - - -	2,000		2,000	

STATEMENT — CONTINUED.

Date of Act.	Names of Indian Tribes.	Annuity.	Permanent.	Limited.	Term.
1822, May 7	Mushulatubbee, a chief, -	150		150	Life.
1824, May 26	Florida Indians, - -	7,000		7,000	1843
	Creeks, - - -	10,000		10,000	1834
1826, May 20	Sacs and Foxes, - -	1,000		1,000	1834
	Quapaws, - - -	1,000		1,000	1835
	Ioways, - - -	500		500	1834
	Choctaws, - - -	12,000	6,000	6,000	1840
	Robert Cole, a chief, -	150		150	Life.
	Cherokees, - - -	1,000	1,000		
	Sacs, Foxes, and Ioways,	3,000	3,000		
	Miamies, - - -	920	920		
	Delawares, - - -	100	100		
	Pottawatomies, - - -	110	140		
	Shawaneese, - - -	60	60		
	Christian Indians, - -	400	400		
1826, May 22	Creeks, - - -	20,000	20,000		
1827, March 2	Osages, - - -	7,000		7,000	1845
	Kanzas, - - -	3,500		3,500	1845
1828, May 24	Cherokees, - - -	2,000		2,000	1847
1829, March 2	Miamies, - - -	25,000	25,000		
	Same, - - -	1,100	1,100		
	Same, pleasure of Con-				
	gress, - - -	2,000		2,000	
	Chippewas, do. - -	1,000		1,000	
	Pottawatomies, - - -	2,000		2,000	1847
	Same, pleasure of Con-				
	gress, - - -	2,000		2,000	
	Same, - - -	1,520	1,520		
	Same, - - -	2,000	2,000		
	Same, - - -	1,000		1,000	1847
	Same, - - -	500	500		
	Same, pleasure of Con-				
	gress, - - -	1,000		1,000	
	Same, for a chief, - -	100		100	Life.
1829, March 2	Pottawatomies, - - -	360		360	1837
1830, March 25	Winnebagoes, - - -	18,000		18,000	1859
	Same, - - -	300		300	1859
	Same, - - -	125		125	1859
	Same, - - -	3,000		3,000	1859
	Same, - - -	160		160	1859
	Same, - - -	535		535	1859
	Chippewas, Ottawas, &c,	16,000	16,000		
	Same, - - -	125	125		
	Same, - - -	1,000	1,000		
Total,		254,870	143,990	110,880	



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# **LOCAL HISTORY**

**AND**

**DOMESTIC OCCURRENCES,**

**FOR THE YEARS 1829—30.**

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## DOMESTIC OCCURRENCES.

### MAINE.

THE election in this State had been warmly contested, and at the meeting of the Legislature on the first Wednesday of January, 1830, an extraordinary contest took place. A majority of all the votes given is necessary for a choice, but where a vacancy exists in the Senate in consequence of no candidate having a majority, it is filled by an election of the joint ballot of both houses. — The Governor is also chosen by the legislature, from the two highest candidates, where neither has a majority. — According to the returns of the election in 1829 the votes for governor stood for

Jonathan G. Hunton, - - -	23,315
Samuel G. Smith, - - -	22,991
Scattering, - - -	245

Mr Hunton who was the opposition candidate thus had a clear majority, but the candidates returned to the Senate were equally divided between the two parties, and until that body agreed to meet in joint convention, the votes for Governor could not be declared, no council chosen, nor the vacancies in the Senate filled. In the House the opposition had a small majority and having elected a Speaker and organized the House, it intimated its intention to go into convention to organize the government of the State. The Senate however did not think proper to meet in convention, although the opposition (or anti Jackson) party voted with its whole force on various motions to bring on a meeting, the other party was enabled by an equal vote to neutralize all attempts to organize the government. This state of things continued from the 6th until the 29th of January, when the House by a vote of 74 to 66 passed the following resolution.

*House of Representatives, Jan. 29, 1830.*

Whereas, the legislature of this state, assembled on the first Wednesday of January, 1830, and the house was organized by the choice of speaker and clerk on the third day of the session, and was then ready to proceed on the public business; but the senate was not organized by the election of a president and secretary, till the eighth day of the session. And whereas, on the ninth day of the session, a committee was appointed by the senate to report on the election of senators, which committee did not report until the twentieth day of the session, and which report was not finally disposed of till the twentysecond day of the session. And whereas the constitution manifestly contemplates an organization of all the branches of government, at an early day after the meeting of the legislature, and yet we present the singular and unparalleled spectacle of having spent twentyfour days in session — have a president of the senate of *last year, claiming to act as governor*, when it is evident a governor has been elected by the people — the vacancies in the senate not filled, and no councillors for the present year chosen.

And whereas the constitution provides that the members of the house of representatives and such senators as have been elected, shall in the manner therein prescribed, 'elect by joint ballot the number of senators required.' And whereas it appears by the records of the governor and council, that on the ninth day of December last, the votes for senators in the senatorial districts were counted, and that sixteen senators were elected, and that there were three vacancies in the district of York, and one

in the district of Washington. And whereas, it appears by the report above mentioned made to the senate, and the votes and proceedings of that body on the same, as is proved by their journal, that the full number of senators to be elected from each district, have not been so elected. And that the senate have refused, on a motion made for that purpose, to send a message to this house, proposing to elect by joint ballot the number of senators required by the constitution, according to the usage which has heretofore prevailed in such cases.

In consequence of which, no other alternative seems to be presented, but that the public business shall be left undone, the wheels of government stopped, and the constitution prostrated, or, this house must proceed, in the mode prescribed by the constitution, to have the vacancies in the senate filled, the councillors chosen, and the votes for governor declared and published, the public business of the State despatched, and the just expectations of the people fulfilled. — Therefore,

*Ordered*, That a message be sent to the senate requesting such senators as have been elected, to meet the members of this house in the hall of the house of representatives, — and elect by joint ballot the number of senators required.

P. S. When this 'order' was presented to the senate — 8 members were for going into convention, and 8 against it. The first eight, however, left the other eight to join the house, and participate in the election of four persons to fill the vacancies in the senate. The first eight met in their chamber in the afternoon, and none of the other eight being present, proceeded to elect a new president for themselves, or for the senate as the case may be. The old secretary refused to give up the papers.

The following is the protest of the eight members of the senate who remained in their seats, as above —

'Whereas a part of the members of the senate have withdrawn from the senate board without the consent of the senate, for the avowed purpose of meeting the members of the house of representatives in convention to fill deficiencies in the senate, which have not been ascertained by the senate, and when the constitutional candidates have not been designated by the senate for filling deficiencies, if any exist, and without the concurrence of the senate to such convention — and whereas such a procedure

is unwarranted by the constitution, and any election made by such convention is void, and can give no right to any individual, so elected to a seat in the senate, or to take part in the acts of the senate; it being the exclusive right of the senate alone to judge of the elections and qualifications of its own members, and the senate being, therefore, the only constitutional tribunal to decide upon the legality or illegality, of the returns of votes for senators. — Therefore,

'*Ordered*, That a message be sent to the acting governor and council, that they may have notice that the senate have not concurred in the election of any persons to fill any deficiency which may exist in the senate.'

The convention was protested against as well by eight members of the senate, as by nearly 70 of the house of representatives — and these latter retired when they found that the majority would proceed to do the business for which they had assembled.

The judges of the supreme court having decided that Mr Hall, president of the senate, was the acting governor, the anti-Jackson party in that body became the majority, (before the two parties stood 8 and 8) and, having passed a vote permitting the three (anti-Jackson) senators from the district of York to retain their seats; a motion was made to reconsider the vote by which the senate had rejected the report of the committee on the suffrages for governor, and to accept the said report as amended. This motion was carried, ayes 11, noes 7. — As the report had been previously accepted by the house, Jonathan G. Huntington was declared to have been duly elected governor of the state.

The legislature having thus organized the government, on the 9th of February the two houses of the legislature met in convention to elect councillors, secretary, and treasurer of the state. An order was speedily presented, setting forth that the three senators who had recently taken their seats, had not been duly and constitutionally elected, and therefore could not vote in the convention, &c. This order was declared to be 'out of order,' by the chair; but an appeal being had, the decision of the chair was confirmed, 87 to 76. A protest against this decision was then offered, signed by 68 members of the House and 8 of the Senate; which was directed to be placed on the journals. The convention then proceeded to elect councillors, &c. The whole number of votes present was 160;

necessary to a choice 81. The anti-administration candidates were all elected by an average majority of about 10 votes.

On the ensuing day, Mr Hunton was qualified as governor, and transmitted a message to both branches of the legislature.

The following are the principal topics recommended to their attention.

'The affairs of the *State Prison* at Thomaston, are said to demand of the legislature the most careful attention. Since the 13th of April, 1823, more than \$70,000 have been drawn from the treasury of the state on account of this establishment: to which sum, must be added the earnings of the convicts, to make an estimate of the total expense.'

The *Public Lands* of the State are next mentioned as making one of the most important subjects of consideration that can be presented. There appear to have been inaccuracies and deficiencies in the surveys heretofore made on the part of the Government, which affect the sales and prices of the lands, and produce other unfavorable consequences, and some legislative remedy is called for. 'Original surveys should never be partial and imperfect, nor be farmed out by the job to the lowest bidder; increased care and expense in the beginning is in the end the greatest economy. In the public lands the present generation is intrusted with a fund of great value, and care must be taken that we do not leave to posterity little else but lawsuits to settle the boundaries of their farms, instead of those accumulated benefits which might be reasonably expected from so rich a patrimony.' 'The existing state of the very important question relating to our *northeastern boundary*, furnishes an urgent motive for placing in the archives of every State in the Union, a correct map of the territory of this State, as designated by the treaty of 1783.' Adverting more fully to this question the Governor adds: 'Since the last session of the Legislature, copies of the commissions of the several Governors of the provinces of Quebec, Nova Scotia and New Brunswick from the year 1763 to 1786 inclusive, have been deposited in the Secretary's office by the Minister Plenipotentiary and Envoy Extraordinary for the United States to the Court of

the Netherlands, with a copy of "a map of the territory contained between the lines respectively contended for by the United States and Great Britain, as being the northeastern boundary of the U. S., in conformity to the treaty of peace of 1783." The copies of the commissions were obtained by the general government in 1828, and are the first copies *in extenso* of these documents which have ever existed in the United States. In the description of the boundaries of the Provinces adjoining this State, the same lines now claimed by us as the limits of our territory, are particularly laid down in these commissions, and none other.

'We cannot rationally suppose that a claim so unjust and sophistical in its character, as that raised by the British Government, to hold nearly a third part of the territory of Maine, as described by the treaty of 1783, can be supported, when the merits are fully understood, by any intelligent and impartial tribunal.'

The Governor expresses his confidence in the mediation to which the dispute is referred; but as the decision may not be definitely known for a year, care is advised that no waste of valuable timber be meantime permitted on the territory in dispute, nor aggressions on the citizens of the State allowed.

'Early in the last year the agent of the *Penobscot Indians*, was directed by the Governor and Council, to procure some man to assist and instruct the tribe in agriculture, agreeably with their request and the condition of the treaty which has been made with them, instead of hiring persons by the day, to furnish their ploughing and other ox labor. A man has been employed to render such assistance and instruction as the treaty seemed to require. Although one year is not sufficient to test the utility of this method of managing the agricultural concerns of the tribe, yet nothing has appeared to discourage the undertaking.

'Under the authority of the Resolve of the 7th of February last, a gentleman was appointed to negotiate with the Indians for two townships of land at the mouth of the Mattawamkeag river. The negotiation has proved unsuccessful, and the report of the agent is communicated herewith.'

## NEW HAMPSHIRE.

Oct. 1829. A coal mine has been recently discovered in Bath, in this state, near the banks of the great Am-

monoosuck, and but a few miles from the Connecticut river. Its product resembles the Lehigh coal.



March, 1830. Matthew Harvey was elected governor — votes for

M. Harvey, (Jackson) 23,214  
Timothy Upham, (anti-Jackson) 19,040

June 2d. The Legislature met at Concord on the 2d inst. In the Senate, Joseph M. Harper was chosen President; and Samuel Dinwiddie, jun. Clerk. In the House of Representatives, James B. Thornton (lately appointed Second Comptroller of the United States Treasury, in the place of Mr Hill) was chosen Speaker, receiving 132 votes and Ichabod Bartlett (anti-Jackson) 86 votes.

Mr Isaac Hill was elected a senator of the United States for six years from the fourth March next, in place of Mr Woodbury who retired. For Mr Hill, in the house of representatives 117, scattering 103 — in the senate 9, scattering 3

The militia returns for the year ending June, 1830, showed a force of

Cavalry	-	-	-	1,593
Artillery	-	-	-	1,588
Infantry, Light Infantry, and				
Grenadiers	-	-	-	24,970
Riflemen	-	-	-	1,003

amounting in the whole to twenty-nine thousand one hundred and forty-nine, and

an increase from the last year's return of two hundred and forty-nine.

LEGISLATIVE BOUNTIES. — By the accounts of the Treasurer, it appears that in the year ending June 12, \$2831, 60 were paid as bounties for the destruction of wolves, bears, wild-cats, and crows.

In 138 towns which made returns to the Legislature, there were 1679 paupers supported at an annual expense of \$44,083, being an average of \$26 25 cents each. The expense of litigation on questions relating to the settlement of paupers, amounted to \$1172.

The expenses of the state of New Hampshire, for its last financial year, were \$47,507.

The number of convicts in the state prison at Concord on the 31st of May, 1830, was 54. The income of their labor the past year after deducting the cost of stock and tools, was, in the stone shop \$3,208; smiths' shop \$1,344; shoe shop \$1,222; coopers' shop \$95; tailors and weavers' shop \$46, and received from visitors \$190. Total \$6,195. The expenditure for provisions, clothing, furniture, fuel, &c, &c, amounted to \$4,037, leaving a net profit of \$2,158.

## VERMONT.

Oct. 1829. THE GOVERNMENT. — The elections resulted in the re-appointment of the Hon. Samuel C. Crafts as Governor, Henry Olin, Lt. Governor; and Benjamin Swan, Treasurer.

The following are the returns  
For Governor.

Samuel C. Crafts (anti-Jackson)	14,325
Heman Allen (anti-masonic)	7,316
Joel Doolittle (Jackson)	3,973
Scattering	50

Lieutenant Governor.

Henry Olin (anti-Jackson)	19,740
Lyman Fitch (Jackson)	4,481
Scattering	76

The Hon. D. A. A. Buck was chosen Speaker, and Timothy Merrill, Clerk. Norman Williams was appointed Secretary of State.

Samuel Prentiss was appointed Chief Justice of the Supreme Court of the State.

The school fund of the State, on loan, amounts to \$73,763 82; it having been increased \$8,060 during the past year.

BANKS — It appears from the report of a Committee of the Legislature that the amount of paper in circulation by the several banks of the State, is \$681,281. Specie and bills of other banks, and

deposits in Boston and New York, \$428,820.

The Legislature terminated its session on the 30th of October. Little business was done out of the ordinary routine. — The following are enumerated as the measures of most importance:

A charter was granted to a company for constructing a canal through the valley of Connecticut river, from the southern line of the State to Lake Memphremagog, which is in continuation of one already begun from the tide waters of Long Island Sound. A company was also incorporated under the name of 'The Connecticut River Steam Boat Company.' Several bills were before the Assembly for further relief of poor debtors, which were generally unsuccessful.

The new act relative to the militia, providing for one annual training in each company for the inspection of arms, &c, and for masters and all other trainings and drills, are to be dispensed with; general field and all other officers are to be retained as heretofore.

The whole expenditure of the State, including the salaries of the Governor and Judges, the pay of the Legislature, and the expense for schools and prisons,

&c, is said to be under fiftytwo thousand dollars; of which forty thousand dollars are raised by taxes.

In the council of Vermont this session, there were 5 attorneys, 3 merchants, 1 manufacturer, and 3 farmers.

In the house of representatives, 17 merchants, 7 manufacturers, 2 mechanics, 1 mail contractor, 20 attorneys, 5 clergymen, 6 physicians, and 164 farmers.

**THE CONNECTICUT RIVER.**—A steam-boat bearing the name of the state, Vermont, arrived at Windsor, October 5, and the event was celebrated by ringing the bells and a salute of artillery.

*April, 1830.* A branch of the bank of the United States was established at Burlington and Heman Allen chosen President.

**BANKS.**—There are eight Banks in this State. The following is a statement of their condition.

Whole amount of Stock paid in. \$393,000 00

Deposits and dividends due, 107,000 00

Bills in circulation, 751,000 00

*Funds and Property on Hand.*

Notes discounted, 798,000 00

Specie, bills of other banks, and deposits out of state, 506,202 05

Real estate, 20,205 97

**STATISTICS.**—Number of gentlemen who have officiated as governors, 10

Whole number of the militia, 35,500

Number of militia returned as equipped, 16,170

Population of the state in 1830, 330,679

Population in 1820, 235,749

Aliens in the state in 1830, 3,439

Free colored persons, 865

Deaf and dumb, 151

Blind, 49

Colleges, 2

Academies and High Schools, 35

District schools, (about) 2,400

Acres of taxable land, 1,083,593

Mills, stores, and distilleries, 3,397

Number of oxen, 48,813

Cows and other cattle, 3 yrs. old, 121,400

Cattle of 2 years old, 54,892

Whole number of sheep, 725,965

**COPPERAS.**—On Mill river, in the township of Shrewsbury, is an extensive mine of the sulphuret of iron, from which is obtained the first quality of copperas.

The bed is situated upon the southern side of a very high and abrupt mountain, on solid ledges of rocks, and was discovered by a Mr Robinson, a few years since, who sold it the last season to the Vermont mineral factory company, for the sum of five thousand dollars. This company, residing principally in Boston, have been engaged in the manufacture of copperas for twentyfive years past, at Stratford. They commenced the manufacture of a small quantity of it here in the fall of 1828, but lately were making a ton and a half per day, which was calculated to be extended to the manufacturing of three tons in the same length of time.

The buildings and utensils prepared for the manufacture and the process of obtaining it, are of the following description: the factory edifice is one hundred and forty feet in length and seventytwo in width; which together with a house and other buildings, compose the entire establishment. The ore is covered with a reddish soil intermixed with stones of from one to three feet in depth. Below this covering of earth appears the bed of sulphuret of iron; it is very compact and diversified in its appearance, with various colors, and is raised by blasting, the large masses of which have to be pounded to pieces with hammers, when it is thrown together in large piles of several feet in height.

## MASSACHUSETTS.

*Sept. 1839.* Lowell is the greatest manufacturing village in the U. S. It is situated at the confluence of the Concord and Merrimack rivers. The soil is sandy, unfit for cultivation, but the water privileges have rendered the spot admirably adapted to the establishment of factories. There are four companies, viz. Merrimac, Hamilton, Appleton, and Lowell. The Merrimac company is the most wealthy and extensive. It consists of four splendid brick 6 and 5 story buildings, besides dyeing, printing and several other necessary establishments. There are upwards of twenty thousand spindles

in constant operation. The buildings are fifty feet distant from each other, and to prevent the communication of fire, they have now resorted to sheet iron window blinds, so that no wood work is exposed to the contact of flames or heat. The printing works are most admirable or their ingenuity and rapid execution: block printing is laid aside except in some indispensable cases. The process is now by means of beautifully polished brass cylinders which have upon them the stamp which is to be transferred to the cloth. A manufactory of carpets is now put into effect, though its origin is very

recent Kidderminster and Brussels, have already been woven. Three men are required to perform the weaving, about three yards only can be worked in a day.

About five thousand persons are employed in all these factories, of every age and sex. The females are paid in proportion to their industry. The average wages are \$1.75 per week besides board, which costs \$1.25. The men mostly receive \$1 per diem. *monthly* payments are made to every individual.

1830. The city debt of Boston amounted at the commencement of the year to \$983,631. Bonds and securities due the city, \$257,211.

The legislature held its prorogued session on the 6th of January, and Governor Lincoln transmitted his message the same day to both houses.

The following are the chief topics of interest alluded to.

Respecting the militia system he observes, 'the period seems to have arrived, when the claims of more than fifty thousand of our fellow citizens to be relieved from unequal and onerous burdens, under the present Militia Laws of the Commonwealth, will not admit of further postponement. A militia system, however, of a modified and improved character, better adapted to the feelings of the people, and conformed to the original design of the institution, can never, with safety, it is believed, be dispensed with. In all periods of the world, and under every form of government, an organized physical force, of some description, has been found necessary, for the maintenance of internal quiet, and for protection from external danger.

'A proposition, which sometimes has been made, to dispense by Law, with all military parade, instead of amending the system, would utterly destroy the institution. Besides, the paramount laws of the United States, on this subject, would be violated, or evaded, in all their provisions, by the effects of such state legislation. The arrangement of the militia, required by these statutes, into divisions, and distinctions of minor corps, would soon be destroyed, and the obligations of enrolment and equipment, instruction in tactics, inspections, and returns, cease to be performed.

'The essential alterations, in accordance with the laws of the United States, which have occurred to me, as promising to equalize, in the most satisfactory manner, the still necessary burdens of military service, and remove the strongest objections to the present system, are to mitigate the penalties for neglect of duty & such ex-

tent, as better to enforce the obligations to its personal performance in the Train Bands, by those of whom it is required to extend conditional exemption to minors and enrolled persons above the age of thirty, and to repeal, altogether, the provision for the payment of money as part of the condition of exemption.'

He also states, that 'the affairs of the State Prison have reached a promising point of improvement. The new prison building was completed in Oct. and the convicts were immediately removed thither. A more steady and strict discipline was introduced, and the experiment has commenced of the effect of entire solitude in confinement by night, and silent and constant inspection at labor & day, and there is reason to expect, that the Prison, after the expenses already incurred will cease to be a tax upon the Treasury. The annual statement of accounts made up to the first of October exhibits a balance of expense in the support and government of the convicts, beyond their earnings of \$296,433 less by almost four thousand dollars than the preceding year.

'The interest of the Commonwealth in the public lands in Maine, continues to be satisfactorily and advantageously managed by the Agent of the Government. The sales of land and timber the last year have amounted to \$21,121 \$9, for which the agent has accounted with the Treasury.

Some measures are recommended for the preservation of the Lumber trade of the State, which has been affected by the difficulties growing out of the separation of Maine from Massachusetts — 'By the greater part of the boards placed on the building timber, used in our several towns, and nearly all exported, come to foreign countries, is furnished from the State of Maine.

'The annual accounts of the State Treasury, made up to the 1st inst. present a deficit to that of several preceding years, of the deficit of the ordinary revenues to meet the expenditures of the Government. The debt of the Commonwealth to the Banks, is \$107,500, and to prevent its accumulation, an annual tax of moderate amount will be required.

'The expenditures of the last five years for the State House, amounting to \$30,000, and for the new prison at Charles town, to \$80,000, form together an aggregate exceeding the present debt of the State.

'The subject of the manufacturing interest, in which Massachusetts is so much concerned, is next considered at length

From the Governor's observations we select the more important parts.

'The melancholy experience of the past year has put to the test, the policy of the laws of the Commonwealth, in relation to Manufacturing Corporations. The worst effect which had been anticipated from these statutes, was, that capital would, thereby, be driven for investment in manufactures, *without* the state, but they have been found to work a far greater mischief than this, *within*. Proprietorship is attended with overwhelming responsibilities. The amount of private interest measures no degrees of personal liability, short of the whole debt of the Corporation; and instances, numerous and distressing, are presented, of fortunes made bankrupt, and families suddenly and unexpectedly reduced to poverty and wretchedness, as a consequence of the most inconsiderable contributions to manufacturing capital.

'In the present state of things, the credit of Corporations and Stockholders is equally destroyed, and for all the purposes of trade, the whole capital invested in manufactures, is lost. So universal has become the distrust of this species of property, from the unlimited and tremendous responsibilities which attend its possession, that it has almost ceased to be transferable in the market, upon any consideration. The stock of the Corporation is discredited and depreciated, because it attaches personal liabilities to proprietors, and the personal credit of proprietors is distrusted, in turn, because of their stock in Corporation. If no limitation of liability is hereafter adopted, to protect them from danger of loss in corporations, beyond their respective proportions in the stock, their engagements in them will cease, and the manufacturing interest, to a great extent, must be abandoned in Massachusetts.

The appropriations of the state for educating its deaf and dumb, at the American Asylum, now amount to \$6,500 annually. All are invited to avail themselves of the opportunity, yet but nine applications have been preferred during the year. The number being so unexpectedly small, twentythree of the class whose term was about to expire, and who were most distinguished for talents and proficiency in acquirements, were permitted to remain another year. The whole number now at the Asylum, on the charge of the state, is *fortyfive*—less by *eleven* than might be supported under the appropriation. There is good reason, from many circumstances, to believe, that when these shall have com-

pleted their course of pupillage, the whole deaf and dumb of the Commonwealth, of suitable age and capacity to be taught, will be educated. The average number of new pupils, annually, will not probably exceed from five to seven.'

The report of the treasurer exhibits the following amount of receipts and expenditures for the year 1829.

#### RECEIPTS.

From the bank tax,	\$202,629 43
Tax on sales by auction,	37,358 97
Principal and interest on notes and bonds,	17,981 49
Interest on deposits in City Bank,	997 19
For land and timber in Maine,	1,569 67
Balances from county treasurer,	1,271 52
From attorney and solicitor general,	291 75
Miscellaneous,	229 02
Borrowed of banks,	205,300 00
	490,918 83

#### EXPENDITURES.

Salaries of public officers,	\$55,525 62
Pay of councillors,	1,836 00
senators,	6,568 00
representatives,	56,996 00
Roll of accounts,	72,613 00
County treasurer's balances of accounts,	23,970 16
Principal and interest of 5 per cent debt,	90 13
Adjutant general and quarter master's department,	3,689 18
Agricultural societies,	3,798 35
Education of deaf and dumb,	6,172 75
Pensioners and wounded soldiers,	1,516 21
Miscellaneous,	51,919 57
Banks, repayment of loans,	168,000 00
interest on do.	5,946 46
Cash in the treasury, January 1, 1830.	29,026 38
	\$190,968 83

#### MASSACHUSETTS SCHOOL RETURNS.

— By the returns from one hundred and thirtyone towns, presented to the legislature, it appears that the amount annually paid in those towns for public schools, is \$177,206 82, and the number of scholars receiving instruction is 70,599. The number of pupils attending private schools in the same towns, is 12,393, at an expense of \$170,342 96. The number of persons in those towns, between the ages of fourteen and twentyone, who are unable to read or write, is 58.

In the town of Hancock, Berkshire county, there are only three persons between the ages of fourteen and twenty-

one, who are unable to read or write, and those three are *mutes*.

At a 'very large and respectable convention of the republican members' of the Massachusetts legislature, on the 11th Feb. the following resolution, among others, was unanimously adopted :

*Resolved*, That the thanks of this meeting be given to the Hon. Daniel Webster for acting as the true representative of this commonwealth in the late debate in the senate of the United States, and for his able performance of that duty in vindicating the state from undeserved and unfounded charges, and repelling the unjust and groundless imputations and attacks made upon the honor, the history, the conduct and the character of the state, and placing them in their proper and just light

The Boston Patriot gives a statement of the occupations of the members of the house of representatives of Massachusetts, as follows :

Farmers 207, merchants and traders 126, lawyers 60, mechanics 44, manufacturers 25, physicians 15, clergymen 11, gentlemen 10, deputy sheriffs 4. Total 502.

In 1829, the quantity of mackerel and other pickled fish inspected in this state was —

	<i>Dolls.</i>	<i>Tons.</i>
227,316 bbls. mackerel	1,022,922	37,800
400,000 quints. cod and other dry fish	800,000	20,000
76,000 bbls. sperm oil	1,675,000	12,000
47,277 do whale do	498,000	7,579
6,000 do liver do	75,000	1,000
	<hr/> 4,070,922	<hr/> 79,345

More than 1000 vessels were employed in the cod and mackerel fishery during the last year. The number of whale ships was 160, averaging 350 tons each; and making in the aggregate 50,000 tons. All these articles had 'amounted to \$4,200,000 the last year.

Mortality of Boston from 1813 to 1830. 17 years, was as follows: — In 1813, there were 786; 1814, 727; 1815, 851; 1816, 904; 1817, 907; 1818, 971; 1819, 1070; 1820, 1103; 1821, 1420; 1822, 1208; 1823, 1154; 1824, 1297; 1825, 1450; 1826, 1254; 1827, 1022; 1828, 1233; 1829, 1221.

April 7th, 1830. Stephen White, an old and wealthy inhabitant of Salem was found murdered in his bed. This horrible deed committed upon an aged and inoffensive man produced unparalleled excitement in this town and vicinity, where the crime of murder was comparatively unknown. The inhabitants

of Salem were almost frantic with horror and apprehension. The greatest exertions were for a time unavailing to discover anything leading to a detection of the murderers. At length a letter from a distant town addressed to a Mr Knapp, of Salem, fell into the hands of his father, and its character leading to suspicion, the letter was exhibited to the officers of justice, and the parties consisting of Joseph Knapp, jr. John Knapp, and Richard Crowninshield, being apprehended, one of the deepest tragedies in domestic life that took place in any age or country was developed by the confessions of the parties. After the arrest, the following confessions were made by Joseph J. Knapp, jr. —

Some months since J. J. Knapp, jr. who married the grand niece of Capt. White, and the daughter of his housekeeper, stated a hypothetical case to a lawyer, and from him understood that if Capt W. died intestate, his mother-in-law, as the sole representative of Capt. W.'s sister, would inherit half the estate — all the other heirs at law being representatives of Capt. W.'s brother.

In order to effect this object, Knapp proposed to his brother John F. Knapp, to murder Capt. White. His brother replied, that he would not do it himself but he knew who would; he could get Richard Crowninshield, jr. Crowninshield was employed, for that object, by J. F. Knapp, at his brother's request, and was to receive, we understand, \$1000 for accomplishing the object.

On Tuesday, 4th April, J. J. Knapp, jr. went into Capt. White's chamber and took from a chest a will, which he supposed was Capt. W.'s last will, carried it to Wenham, and kept it in his possession until he heard of Capt. W.'s death, and then destroyed it. On the same day he procured the will, he unbarred the window shutter and unscrewed the window, by which Crowninshield entered. Knapp returned to Wenham the same day, and did not return to Salem again until after the murder.

The murder was committed by Crowninshield alone. He alone was in the house. It was effected by a dirk, and by a bludgeon of hickory, with a large head, loaded with lead. Whilst the deed was doing, J. F. Knapp was watching in the street. Crowninshield joined him after the crime. The bludgeon was deposited under the steps of the Howard-street Meeting-house, and there it was found.

The day after the murder, J. F. Knapp and Crowninshield rode to Wenham, where Jos. J. Knapp, jr. gave C. all the money he then had, being 100 five-franc

pieces—at which time Crowninshield stated to him the manner in which the murder was accomplished.

The two Knapps were afterwards tried and executed, but Crowninshield avoided the punishment of the law by suicide before trial.

**May 28th. ELECTIONS.**—The official returns of the votes were declared to be

*For Governor,*  
Whole number, 47,173  
For Levi Lincoln, 33,908

*For Lieut. Governor.*  
Whole number, 46,389  
Thomas L. Winthrop, 31,894

**June.** The City Solicitor of Boston having examined the subject at the request of the City Council declares it, in his opinion, to be a violation of the existing laws concerning the Sabbath, to open the Theatres on Saturday evening.

**MASSACHUSETTS BANKS.**—Abstract of the official Returns of Banks in Massachusetts, showing the state of said Banks on the first Saturday of June, 1830.

**DUE FROM THE BANKS.**  
Capital Stock paid in of  
US Banks, \$19,295,000 00  
Bills in circulation, 5,124,090 00  
Net profits on hand, 544,496 62  
Balance due to other Banks, 2,123,576 35

Cash deposited, and not bearing interest, 3,574,957 04  
Cash deposited, bearing interest, 2,804,868 29  
Total amount due from the Banks, 33,823,793 44

**RESOURCES OF THE BANKS.**  
Gold, silver, &c. in Banks, 1,258,444 05  
Real Estate, 621,152 34  
Bills of Banks in this state, 914,096 60  
Bills of Banks elsewhere, 479,759 08  
Balances due from other Banks, 2,191,087 62  
Due to the Banks, excepting balances, 27,987,234 09  
Total Resources of the Banks, 33,866,142 61

**REMARKS.**  
Amount of last dividend, 500,925 00  
Amount of reserved profits, 398,763 74  
Debts secured by pledge of Stock, 901,823 53  
Debts due, and considered doubtful, 462,045 06  
Rate of dividend on amount of capital of all the Banks, as existing when dividend was made, 2 52-100 pr. cent.  
Average of 61 Banks, making dividends { 2 46-100 pr. cent.

## RHODE ISLAND.

**THE** Legislature of this state, by an act passed Oct. 30th, 1823, conferred on the Supreme Court equal jurisdiction in all cases relating to trusts, and created by assignments for the benefit of creditors

An act was also passed permitting the sheriffs and officers of justice of the adjoining states, in the due execution of legal process, to convey persons and things legally in their custody through any of the roads of the state. Any interruption of such officers is declared punishable in the same manner as if they were officers of the state.

**FINANCES.**  
The surplus fund in the treasury May, 1829, was \$8,854  
The expenditures of the state from 1st May, 1829, to 1st May, 1830, were 32,222  
The receipts for the same time were 30,960

The balance in the treasury May, 1830, was 7,592

There is no direct taxation in this state, but its revenue is derived from

taxes on licenses to pedlars, retailers of spirits, and vendors of lottery tickets, taxes on banks, a tax of one per cent on lottery schemes, and on sales of foreign lottery tickets, on auction sales, fees of courts, and the interest of the permanent fund now amounting to about \$20,000.

**RHODE ISLAND BANKS.**—Of forty-eight banks in Rhode Island, all have made returns to the Legislature except the Farmers' and Mechanics' Bank at Pawtucket, which has failed, and Mount Hope Bank, Bristol, which has made no discounts, and is about winding up its concerns. The following are the aggregates exhibited by the returns of forty-six banks, compared with the returns of the same banks in October, 1828.

Capital stock In 1829. In 1828.  
paid in \$6,023,307 00 6,151,912 00  
Deposits, 807,670 61 1,000,595 39  
Profits on hand, 170,115 30 165,618 93  
Debts due from banks, 110,794 39 173,139 14  
Bills in circulation, 673,574 50 887,968 67

Debts due from Directors,	799,867 85	857,890 41
Due from other stockholders,	740,544 22	624,519 59
Due from all others,	528,241 24	6,026,584 11
Specie,	341,940 74	857,612 07
Bills of other banks,	121,790 78	163,881 50
Deposits in other banks,	260,771 27	150,353 14
Bank and other stock,	82,651 50	74,769 00
U. States stock,	25,000 00	82,408 41
Real estate,	232,333 49	218,008 22
Furniture and other property,	9,692 35	9,543 98

**FARMERS' AND MECHANICS' BANK, PAWTUCKET.**—The commissioners appointed by the Legislature of Rhode Island at the last session to settle the concerns of this bank, have made a report, in which they state that the situation of its concerns on the 26th day of October was as follows:—

Dr—Capital stock,	\$200,000 00
Notes and drafts payable,	93,556 37
Bills in circulation,	16,880 00

Deposits,	14,697 50
Profits on hand,	3,364 15

	\$828,498 02
Cr—Notes receivable,	\$336,481 60
Deposits in other banks,	1,907 92
Bills of other banks,	12 00
Specie,	10 03
Sundry assets overdrawn,	188 47
Total,	\$828,498 02

They however state that nearly all the debtors of the bank are insolvent, and their property in the hands of assignees. The commissioners are of opinion that the debts of the bank, exclusive of the interest, will not exceed \$160,000, and they feel an assurance that under present prospects the bank will eventually pay its responsibilities, and leave something for the stockholders.

#### ELECTIONS FOR CONGRESS.

Tristram Burges,	4,108
Dutce J. Pearce,	4,328
Eddy,	1,251
Durfree,	1,126
E. R. Potter,	518
John D'Wolf,	208
Scattering,	33

## CONNECTICUT.

**Oct. 1829.** The arrival of the boat on the Farmington canal from the Massachusetts line, bringing passengers from Southwick, was greeted with much enthusiasm by the inhabitants of New Haven. The canal is now completed; and, though too late in the season to admit of an extensive carriage of goods in 1829, the tolls may be expected to exceed fifteen thousand dollars in 1830.

**Nov.** The canal at Enfield Falls was completed, and boats passed there for the first time on the 11th inst. The length of the canal is about six miles; its breadth and depth are such as to admit not only the ordinary flat-bottomed boats used on the river, but steamboats of a much larger draught. There are three locks at the lower end of the falls of about ten feet lift each, built in the most durable manner. There is another lock at the head of the canal, together with a massive breast wall.

**May 5, 1830. CONNECTICUT STATE PRISON.**—It appears from the message of governor Tomlinson, delivered to the Legislature of Connecticut, that the balance of receipts at the Wethersfield

State Prison during the year ending 31st of March, after and above all expenses incident to its management and the support of the convicts, was \$5,068 94. The New York Penitentiary, for ten years previous to its establishment, created an average annual expense to the state of \$8,400. Difference in the result of the two establishments is an annuum on the score of economy \$3,331 06 94.—The number of convicts on the 31st of March was 167; being an increase during the year of thirtythree. Of the whole number, thirteen were females, and thirty-nine blacks. Governor Tomlinson recommends the erection of an additional building for the accommodation of the former, in order that they may be subjected to solitary confinement by night, and employment by day, (in like manner with the male prisoners,) under the direction of a suitable matron.

**Connecticut School Fund.**—This fund now amounts to nearly \$1,500,000. From the commissioners' report it appears that a man by the name of Watson recently claimed an undivided fourth part of 100,000 acres of land, (80,000 of





## NEW YORK.

Sept. 28, 1829. The convention which had for several weeks been in session for the purpose of proposing amendments to the Charter of the City of New York, this day finally adjourned, after having adopted a form of city government by a vote of 40 to 6.

The principal changes consist in the division of the common council into two boards; one member of each to be chosen by each ward for one year, and the exclusion of the Mayor and Recorder from the common council.

The boards are to meet in separate chambers, and a majority of each shall be a quorum to do business.— Each board shall appoint a president from its own body, and shall also choose its clerk and other officers, determining the rules of its own proceedings, and to be the judge of the qualifications of its own members. Each board shall keep a journal of its proceedings, and the doors of each shall be kept open, except when the public welfare shall require secrecy, and all resolutions and reports of committee, which shall recommend any specific improvement, involving the appropriation of public moneys, or taxing or assessing the citizens of said city, shall be published immediately after the adjournment of the board, under the authority of the common council, in all the newspapers employed by the corporation; and whenever a vote is taken in relation thereto, the ayes and noes shall be called and published in the same manner.

Every act, or ordinance, or resolution which shall have passed the two boards of the Common Council, before it shall take effect, shall be presented, duly certified, to the mayor of the city, for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the board in which it originated, within ten days thereafter; or if such board be not then in session, at its next stated meeting. The board to which it shall be returned, shall enter the objections at large on their journal, and cause the same to be published in one or more of the public newspapers in the city.

The board to which such act, ordinance, or resolution, shall have been so returned, shall, after the expiration of not less than ten days thereafter, proceed to reconsider the same. If, after such reconsideration, a majority of the mem-

bers elected to the board shall agree to pass the same, it shall be sent, together with the objections, to the other board, by which it shall be likewise reconsidered; and if approved by a majority of all the members elected to such board, it shall take effect as an act or law of the corporation. In all such cases, the votes of both boards shall be determined by yeas and nays, and the names of the persons voting for and against the passage of the measure reconsidered, shall be entered on the journal of each board respectively.

If the mayor shall not return any act, ordinance or resolution, so presented to him, within the time above limited for that purpose, it shall take effect in the same manner as if he had signed it.

Annual and occasional appropriations shall be made by proper ordinances of the common council, for every branch and object of city expenditure, nor shall any money be drawn from the city treasury, except the same shall have been previously appropriated to the purpose for which it is drawn.

The common council shall not have authority to borrow any sums of money whatever, on the credit of the corporation, except in anticipation of the revenue of the year in which such loan shall be made, unless authorized by a special act of the legislature.

The executive business of the corporation of New York shall hereafter be performed by distinct departments, which it shall be the duty of the common council to organize and appoint for that purpose.

These, together with some other amendments giving effect to these changes were submitted to the citizens at the fall election of 1829 and being sanctioned by a vote of 10,136 Ayes to 588 Nays was submitted to the legislature, which at the subsequent session passed a law making the amendments proposed.

October. A branch of the U. S. Bank was established at Buffalo, and Wm. B. Rochester appointed President thereof.

Oct. 15, 1830. AMERICAN INSTITUTE.—The Annual exhibition commenced this day. A surprising variety and amount of the productions of domestic industry were displayed, both useful and ornamental. Broadcloths and Calicoes, Porcelain and Cut Glass, Musical Instruments, &c, &c, were among them.

and the following greater novelties are named :—

A new kind of woollen cloth manufactured like felt without being either spun or woven. Shirting manufactured of Sea Island cotton with a round thread, resembling linen in appearance ; strong water proof cloth, which may be made into boots and shoes ; leather, browned with copper, a new invention ; hair cloth, the manufacture of which is lately introduced. The exhibition of the present year is thought to be much superior to that of the last.

THE DELAWARE AND HUDSON RAIL ROAD is now in operation, and two packet boats, with suitable accommodations, commenced running from Kingston to Honesdale, on the 7th of October. The company is said to have thirty boats engaged in the transportation of coal.

THE ONIDA INDIANS.—A treaty was concluded at the Capitol between the Christian parties of this tribe and the Executive of the State, by which they dispose of their lands in the county of Madison, south of the Seneca turnpike, and will remove to Green Bay, where a part of the tribe is already settled.

The legislature assembled on the 4th of January and Wm. M. Oliver having been elected president pro tem. of the senate, and Erasmus Root, speaker of the house, adjourned to the next day, when the acting Governor E. T. Throop transmitted his annual message.

By this document it appeared that during the year 1829, there were 4 convictions for murder, in cases in which executions took place, and 20 convicts, confined in the state prison, were pardoned.

Of the 627 prisoners in Auburn state prison, 81 were confined a second time — and 57 of the 581 convicts at Sing Sing. A large proportion of these are boys, for petty larceny. The convicts at Auburn do more than support themselves and pay the expenses of their safe keeping. The amount of cost, &c. is not given.

In 1825, there were 319 insane persons in the state, but by the excellent treatment in the Lunatic Asylum at New York, only one out of 60 or 70 persons under care, was in close confinement.

The capital of the common school fund, is \$1,661,081 in productive stocks, &c. and 839,000 acres of land. The returns show that 150,325 children, between the ages of 5 and 16, have been taught at these schools an average of eight months in the year!—increase in

the year 12,120. The public money paid on account of these schools, was 214,840 dollars — 100,000 from the funds, and the rest from taxes on the several districts, or particular funds held by towns for this noble purpose.

The general fund of the state on the 30th November, 1828, amounted to \$1,629,985 — which produced a revenue in 1829 of 117,550 — other receipts 55,000, together 172,550 ; but the expenses of the year amounted to 291,500. The deficiency was supplied by a transfer of funds, and making the general fund indebted therefor, &c. 120,000 acres of land belong to the latter fund.

The state owes no debt, except on account of the canals.

The ordinary expenses of the present year are estimated at 264,000 — there is due from the general fund to the literature and common school fund 158,365 : whole sum to be provided for \$422,365. The revenue, proper, is estimated at 306,383. The balance, it is suggested, may be paid by selling bank stock or collecting bonds and mortgages. There appears to have been a deficiency in the regular revenue for several years past.

The deficiencies in the revenue since the year 1827, have been supplied, solely from the balance then in the treasury, and by the consumption of the principal of the general fund.

On the 30th November, 1828, the balance in the treasury had been expended, \$20,000 of the canal stock, belonging to the general fund, had been sold and expended, and the treasury was indebted \$63,937, for the expenses of the preceding year.

The consumption in the year 1828, beyond the receipts into the treasury, was as follows, to wit :—

Balance in the treasury 3 <sup>rd</sup> November, 1827.	\$415,028
Canal stock sold;	20,000
Claims upon the treasury,	68,937
Making	\$203,865
From the above cause, and by legislative acts in 1827, transferring—	
Canal stock to the literature fund,	\$150,000
Bank stock to the school fund,	100,000
The balance of the loan of 1786 to do.	33,616
By the sale of the Seneca lock navigation stock,	23,218
And by the receipts of the principal of debts for lands sold,	32,127
Total,	\$339,261

And by the subsequent receipts of the principal of debts, the general fund is now reduced as above stated to the sum of \$1,309,267, leaving claims upon the treasury for the balance of expenditures for the last year to a considerable amount.

By the foregoing brief view of its finances, it will be seen that the general fund is rapidly diminishing; that reliance for meeting future calls upon the treasury, to defray the current expenses of the government, is principally upon the government debtors; and that an active collection of those debts must be immediately commenced. If taxation is delayed a few years, the general fund will be entirely exhausted, and it will be necessary then to provide by tax, for the whole amount of the annual expenditures.

The present amount of the canal debt is 7,706,013\* — the gross revenue from the canals in 1829, was 790,983 — the superintendence, repairs and improvements cost 310,099, leaving 387,035 to pay the interest on the whole debt, and a surplus of 93,849 to be applied to the reduction of the principal — increased by the auction duties 209,032, duties on salt 140,844, other sources 27,781 — total \$471,520 for extinguishment of the debt.

The tolls and duties just mentioned are pledged to the payment of the canal debt, and cannot be directed to any other purpose, until such debt is paid. There belongs to the Oswego canal fund from 150 to 200,000 dollars, in bonds, &c, for lands sold. This money, as collected, will be applied to the principal of the debt.

Surveys and estimates have been made in reference to the Chenango, Chemung and Crooked Lake canals, which the canal commissioners are authorised to construct on certain conditions.

The Hudson and Delaware canal is completed, to assist in which the state authorised issues of stock to the amount of 300,000 dollars. The transportation of coal was commenced on this canal in October, and by the 19th December last, 7,000 tons, which sold at from 7½ to 8 dollars per ton, had reached the Hudson.

It appears that the state expended, during the late war, 350,000 dollars for

the erection of fortifications on Staten Island, which are now in a state of decay. It is proposed to sell these works to the general government, it being within the plan of defending the harbor and city of New York to erect batteries on the Island and named.

By certain treaties with parties of the Oneida Indians lately concluded, New York has become possessed of 3,470 acres of valuable land, in the heart of the state. The former possessors had emigrated to Green Bay.

The revised statutes are now in full operation, and Gov. Throop congratulates the people, that the laws are clothed in plain language, collected and arranged under proper heads, amended in many respects, and put into a shape adapted to a long continuance.

The Governor observes in relation to the unfortunate controversy between this State and New Jersey, respecting the boundary line, that it still continues to excite much feeling, and has been productive of some violence between citizens of the respective states. To bring the question of right to a legal decision, New Jersey has seen fit to institute a suit against this state in the United States Court. I have employed able counsel to assist the attorney-general, and they, on consultation, have come to the conclusion, that under existing laws that Court cannot take cognizance of the cause, and have therefore declined to appear. It is certainly desirable that this source of irritation between us and our sister state, should cease to exist, and I respectfully submit it to your wisdom to devise suitable measures for its removal.

Reports were made to the legislature during the sessions by the various officers showing the following statistical facts

**FINANCES.**—The aggregate amount of the General Fund is \$1,312,241.86. The estimated revenue for the ensuing year, is \$113,500.

The capital of the Common School Fund is \$1,746,733.66. The estimated revenue for 1831, is \$101,550.

The capital of the Literature Fund is \$256,343.52. The revenue is estimated at \$16,620.

The following is a brief abstract of the state of the Treasury: The whole receipts into the treasury for the year ending 30th Nov. last, amount to \$1,993,629 11

* On account of the Erie and Champlain canals	7,032,013
Oswego	437,000
Cayuga and Seneca	227,000
	<hr/>
	7,706,013

Balance in the treasury on  
the 1st Dec. 1829 44,793 56

\$2,038,422 67

During the same period  
there has been paid out of  
the treasury as follows, viz.

Am't of war-  
rants outstanding 30th  
Nov. 1829, \$ 594 53  
of warrants  
drawn during  
the year 1,968,724 78

1,969,319 31

Less, am't of  
warrants out-  
standing 30th  
Nov. 1830,

790 48 \$1,968,528 83

Leaving a balance in the  
treasury on the 30th Nov.  
1830, applicable to the  
ordinary expenses of the  
government, and to meet  
the claims of the common  
school fund and of the lit-  
erature fund upon the  
treasury, of \$69,993 84

Am't due from the general  
fund to the common school  
fund and literature fund  
as follows, viz.

To the common  
school fund,  
viz.

Capital \$83,463 84  
Revenue 100,678 84 184,142 45

To the litera-  
ture fund viz.

Capital 16,780 54  
Revenue 12,790 77 29,571 31

Total due from general fund  
to specific funds \$213,713 76

From which deduct the bal-  
ance in the treasury on  
the 30th Nov. 1830, as  
above 69,993 84

And there will remain a  
deficit of money in the  
treasury to meet the debt  
due to the specific funds  
of \$143,819 92

Expenditures of the year  
1830, over and above the  
income of the general  
fund, being expenditure  
of capital.

Principal of bonds and mort-

gages for land, received  
and expended, \$23,267 27

" For Loans, 17,124 59

Of miscellaneous bonds, 158 43

First payments on sales of  
lands, 25,298 66

Mohawk Bank Stock sold, 5,000 00

Increased deficit of means in  
the Treasury on the 1st  
Dec. 1830, beyond the  
deficit on the 1st Dec.  
1829, viz.

Deficit on the 1st  
Dec. 1830. \$143,819 92

From which de-  
duct the de-  
ficit on the

1st Dec. 1829. 113,571 58 30,248 34

Making the expenditure of  
the year, over the income \$101,097 29

The estimated ordinary ex-  
penses of the year 1831,  
are \$302,200 00

The estimated receipts for  
the same year 113,590 00

Leaving a deficiency in the  
estimated receipts to meet  
the ordinary expenditures  
of the year of \$188,700

COMMON SCHOOLS. — There are fifty-  
five organized counties, and seven hun-  
dred and seventythree towns and wards  
in the state. Returns have been receiv-  
ed from all the county clerks, embracing  
the required reports of the commis-sioners  
of common schools from every town in  
the state

It appears that there are in the several  
towns of the state, 8872 school districts  
organized; and that of this number 822  
have complied with the conditions of the  
statute, by having a school kept at least  
three months by an inspected teacher  
and making returns to the commissioner.

1263 new districts have been formed  
during the year ending on the 1st of  
January, 1829; and the number of dis-  
tricts which have complied with the  
law so as to participate in the public  
money, has increased one hundred and  
twentyeight.

There are in the districts from which  
reports have been received 168,257 chil-  
dren over 5 and under 16 years of age;  
and in the common schools of the same  
districts 180,041 scholars have been  
taught during the past year; the general  
average of instruction having been about  
eight months.

The number of scholars instructed in  
the common schools, exceeds, by 4137,

the whole number of children between the ages of 5 and 16. From this estimate the children instructed in the cities of New York and Albany are excluded, as an enumeration of those between 5 and 16 in those cities is not required or obtained by the law.

The number of children between 5 and 16 has increased 19,257 since the last annual report; and the number of children taught in the common schools of this state, has increased 11,836 during the same period.

There are one hundred and sixteen towns in the state, in each of which more than one thousand scholars are instructed; several towns report between fifteen hundred and two thousand, and a few large towns make returns of more than two thousand scholars taught annually.

There are sixty-eight towns, in which more than twenty schools are organized in each; several of these contain more than thirty. The general average of the number of districts, including all the towns, is 11½ for each town in the state. The average number of scholars instructed in the districts from which returns have been received, is a fraction less than fifty-eight for each school.

This estimate, as well as that relating to the number of children instructed, is based upon the whole number of scholars on the rolls of the schools, without reference to the time which each scholar has attended. And it is not to be understood that each one of the 480,000 scholars returned has had eight months' instruction during the year; but that this is the aggregate number of scholars on the rolls of the schools, and receiving more or less instruction; and that 8,292 schools have been kept open for the reception of scholars, on an average period of eight out of the twelve months.

The first returns under the present school system were made in 1816. There were reported in that year 2,631 schools, in which 140,106 children were instructed. The increase in the number of schools returned, has been 5681 in fourteen years, and the increase of number of scholars instructed, has been 339,935, in the same period. The number of children returned in 1816 between 5 and 15, was 176,949; the increase since that time has been 291,808. The school act was revised in 1819, new forms were adopted and published, and new energy was given to the whole system. In 1821 the system was in fair operation; and since that period, the average annual increase of the children between 5 and 15 has been about 16,500; and the average in-

crease of the number of scholars instructed has been about 19,500 each year, for the last ten years.

During the year 1829, two hundred and fourteen thousand eight hundred and forty dollars and fourteen cents, have been paid to the several school districts which have made reports. Of this sum \$100,000 were paid from the state treasury; \$102,934 56 were raised by a tax upon the several towns; and \$11,905 48 were derived from a local fund possessed by certain towns.

The public money apportioned to the districts, is less by 17,503 07 cents, than the amount paid last year. This diminution has been occasioned by want of authority in the revised statutes to levy the additional school tax, in pursuance of a vote of the towns. The provision giving this authority to town meetings was transferred by the revision from the state relating to schools, to chapter 11, relating to powers, duties and privileges of towns, which was not in force until the first of the present month.

The productive capital of the common school fund now amounts to \$1,661,051 24 cents. The revenue actually received into the treasury on account of the common school fund for the last year, has been \$34,626 25 cents; leaving a deficit in the amount annually distributed of \$5,373 78 cents, to be supplied from the general funds of the state. The revenue of the coming year is estimated by the comptroller, at 109,981 dollars.

A few towns only, made returns the first year. The abstract of the present year shows returns from seven hundred and twenty-nine towns and wards, showing a total amount paid by the patrons of the common schools for teachers' wages, of \$297,048 44 cents; which, added to the public money, makes an aggregate of \$511,888 58 cents, paid for teachers' wages alone, in the common schools of the state. Thus it will be seen that where the state, or the revenue of the school fund, pays one dollar, for teachers' wages, the inhabitant of the town pays, by a tax on his town, and by voluntary contribution in his district, more than four dollars, for the same object. This latter sum of four dollars, is made up in proportion of one dollar assessed upon property, to three dollars paid by the scholar.

NOTE.—Hitherto, the enumeration embraced the children between 5 and 15. Now, it includes those 'over five and under sixteen.' This being the census of the children in the districts much nearer the number instructed, than in

former years. The same cause gives a much greater increase to the children enumerated, for the year in which the change in the enumeration from 15 to 16 takes place, than the increase in the children instructed.

**PAUPERS.**—The whole number of town and county paupers relieved or supported during 1829, in the forty-four counties which have made returns, is 15,506.

The total number of paupers received into the poor houses during the year, is 11,515

The total number of paupers in the poor houses of thirty-seven counties, on the 1st Dec. 1830, was 4,566

Of this latter number 2,110 were in the New-York almshouse, and 2,456 in thirty-six other counties, averaging 68 in each county. Assuming this average for the eighteen counties which have not a poor house, or have not reported, and it gives 1,224 and would make the total number in the poor houses on the 1st Dec. last, 5,790

The average number of paupers for the year probably would not exceed the number in the poor houses on the first of December; if so, the total expense of their support over and above their earnings and the cost of the poor-house establishments, at the average cost in those counties from which reports have been received, [\$29 92] would be \$173,230 80

The total cost of the poor-house establishments in thirty-four counties is \$184,948 61; averaging \$5,627 90 each; taking this average for twenty counties which have not returned the value of their poor houses, and it makes the total expense of the poor houses in all the counties except New York, \$303,906 61; add to this the cost of the almshouse establishment in New York \$561,500, and it makes the aggregate cost of poor-house estab-

lishments in the state, \$865,406 64 cents, which at an interest of six per cent, gives \$51,924 39

Making the total annual expense of supporting all the paupers in the state \$225,161 19

This estimate is based upon the assumption that the number of paupers in the poor houses on the 1st Dec. would be the average number for the year; and that they are to be supported in the poor houses, at \$29 92 per year each.

The whole expense of supporting town and county paupers in forty-four counties, is \$216,535 00

Deducting New-York, and the average is \$3,021 74 for each of the forty-three counties making returns of the amount paid; and this average multiplied by ten counties from which the returns are deficient, gives, \$30,217 90

Making the aggregate expense of supporting the poor in the state, by the different modes now adopted, \$246,752 90

It will be seen, that the total cost of all the poor-house establishments is \$757,257 61. This probably embraces all the poor-houses now built.

The total number born in these poor-houses during the year was 108; died, 863; bound out, 298; discharged, 4563; absconded, 504. Of the persons relieved during the year, there were 2398 foreigners; 345 lunatics; 361 idiots, and 32 mutes.

Of the persons in the poor-houses on the 1st Dec., (excepting thence from the almshouse in New York,) there were 1151 females, and 1199 males; total, 2350.

The document contains a list of twenty counties, in various sections of the state, in each of which the poor-house system has been adopted and is in fair operation. It will be seen by this table, that the average cost of supporting a pauper, over and above his earnings, and making no allowance for the expense of the poor-house establishment, is \$29 92 cents per year, or 51.8 cents per week. The same table shows the proportion which the whole number of paupers relieved, in and out of the poor-house, bears to the whole population in each county; and exhibits the average in twenty counties to be 1 pauper relieved to 208.6 of the whole number of souls. In another column is exhibited

the proportion which the paupers in the poor houses of these twenty counties bear to the population in each, and giving a general average of 1 pauper in the poor house to every 622 of the whole population of the counties embraced in the list.

In 1824, it was estimated in Mr. Yates' report, that there were then in the state 6896 permanent paupers, and 15,215 occasional paupers, making a total of 22,111. It was also estimated that the proportion of permanent paupers was as 1 to 220 of the whole population, and of occasional paupers 1 in every 100. The total expense of permanent paupers in the state was estimated at \$344,800, or \$49 70 as the average cost of each pauper:—The total expense of occasional paupers was estimated at \$123,782, or \$8 27 each per year. Total expense \$470,582, which does not embrace the excise money, estimated at \$66,600.

Taking the returns which have been received the present year as the average for the counties which have not made reports, and the permanent paupers may be estimated at 5790; and the occasional paupers at 12,348; showing a total of 18,138 in the state; which is equal to 1 permanent pauper in every 339 souls, and 1 occasional pauper to 107.

NEW YORK CANALS.—There arrived at West-Troy, during 1829, by the canals, 634,726 gals. whiskey, 21,791,000 feet boards and cantling, 8,463 m. shingles, 74,950 feet timber, 2,123 tons staves, 102,704 bush. corn, rye, &c. 1,175 cwt. clover and other grass seeds, 2,571 cwt. wool, 790 tons cheese, 493 tons butter and lard, 10 tons hops, 44 tons peltry, 61,348 bbls. flour, 9,103 bbls. beef and pork, 10,049 bbls. ashes, 21,985 bbls. salt, 301,184 bushels wheat, &c. &c.

At Albany, the property brought to that place, on which toll was paid by the ton, amounted to 75,500 tons, and consisted principally of the following articles:—260,520 bbls. flour; 18,558 bbls. ashes; 13,241 bbls. provisions; 39,248 bushels salt; 18,194 bbls. and 3,744 hds. whiskey; 9,593 boxes glass; 266,287 bushels wheat; 206,251 bushels corn, rye and oats; and 132,164 bushels barley. Other articles brought down, on which toll is not charged by the ton—18,008 cords wood, 32,156 feet timber, 17,130 m. shingles, 28,180,884 feet of lumber. The merchandize conveyed on the canals from Albany, was 73,090 tons.

By the report of the superintendents and the Inspectors of the Onondaga Salt Springs, it appears that during 1828

there were 1,160,888 bushels salt inspected; and in 1829, 1,291,820 bushels. Showing an increase of 130,932 bushels. Of this 745,741 bushels were inspected at Salina, 229,317 at Syracuse, 187,540 at Liverpool, and 129,222 at Geddes.

The number of manufactories has been increased during the past year, notwithstanding the reduction in the price of salt; and the quality of the brine has been improved and the quantity increased by means of perforations into the earth, to the depth of about sixty feet, so that the assurance is given of a supply to the utmost that will probably ever become necessary.

Exhibit of property received at Buffalo via the Erie Canal, in 1829.

Merchandize. Furn'ts. Non enum. Salt.				
	Tons.	Tons.	Tons.	Bbls.
May,	1475	226	53	1736
June,	1009	121	45	9291
July,	537	71	80	13192
August,	531	79	87	12415
September,	783	18	48	12586
October,	1225	136	34	11259
November,	801	70	106	4665
December,	23	4	21	244

Total, 5884 735 424 66401  
[about 9343 tons.]

Aggregate No. Tons 15,836.]

Monthly Receipts for Tolls.

April,	\$543 08	Sept.	\$3318 18
May,	3459 10	Oct.	3922 59
June,	3968 51	Nov.	3532 48
July,	2748 48	Dec.	100 00
August,	15 25		
Total,	\$25,800		

Toll at Buffalo, for 1829, \$25,800.

The above merchandize, arrived at Buffalo, consisted chiefly of

267,909 Bushels Wheat,	
86,929 Barrels Flour,	
11,859 do Ashes,	
3,412 do Whiskey,	
6,938 do Pork,	
1,683 do Beef,	
4,319 Kegs Butter,	
4,216 do Lard,	
752 Casks Linseed Oil,	
774 Tons Pig and Scrap Iron,	
742 do Staves and other Castings	
998 Barrels and Tierces Flax Seed	
439 do do Grass do	
1,273 do Lake Fish,	
746 do Dried Fruit,	
343 Casks Beans,	
359,000 Pipe Staves,	
25 Hogsheads Tobacco,	
3,514 Packs Furs and Peltries,	
187 Barrels Tallow,	
90 Tons Grindstones.	

47 Tons Pig Lead,  
1,607 Casks Cheese,  
29,185 Pounds Wool,  
149½ Tons Hemp,  
212 Bales Feathers,  
2½ Tons Hams,  
32½ Tons Hops,  
121 Barrels Cider,  
36½ Tons Beeswax,  
2,753 Hides and Skins,  
44 Barrels Beer,  
2,286 Bushels Corn,  
4,206 Boxes Glass,  
205 Barrels Nuts,  
31 Tons Glass and Stone ware.  
5,764 lbs. Western Bar Iron.

Exclusive of the above there are large quantities of sawed building stone, shingles, curled maple and other lumber, paper rags, (many tons) with axes, cigars, oats, rye, and various other articles, in lesser quantities.

These returns are necessarily defective, as they embrace only what property has been received at the store-houses, while no account is or can be obtained of all that has been received by the owner or consignee, either upon the wharves or on board canal boats, without entering into warehouse accounts.

**LAKE CHAMPLAIN.**—Previous to the construction of the northern New York canal, the commerce on this lake was principally with Canada, and employed only about forty vessels. There are now upwards of two hundred and forty vessels, including steam-boats, and fully employed in transporting the produce and merchandize which pass to the canal; all the trade of the lake is on either side of the lake is almost wholly diverted from Montreal to New York.

**REPORT OF THE SPECIAL COUNCIL ON  
THE SUBJECT OF MORGAN'S  
ABDUCTION.**

To his Excellency *Enos T. Throop*,  
acting Governor of the State of New  
York.

The act of the Legislature, passed on the 15th of April, 1829, and continued by an act of the last session, by virtue of which the undersigned was appointed to institute inquiries concerning the abduction of William Morgan, and his fate subsequently, and all incidents connected therewith, seems to contemplate, that the result of those inquiries, and the proceedings had under the act, should be from time to time communicated to the government. The practice of my predecessor, and the interesting nature of the subject, would indicate the propriety of such a course, even if it

be not directly required by the act. The numerous errors produced by misapprehension in some cases, and intentional misrepresentation in others, can be effectually corrected only by accurate and authentic accounts of the facts elicited. The deep and commendable interest felt by our fellow-citizens in the vindication of the laws which have been so grossly violated, seems also to require a public report of the measures which have been adopted to obtain that object. And it would be vain to attempt a concealment or evasion of the fact, than an institution, veiling itself in secrecy and mystery, which has long existed in this and other countries, and which counts among its members a large proportion of our fellow-citizens, many of whom are among the most respectable in society, is directly implicated as having, by its obliquation, and the very nature of organization, produced the outrage in question. It is therefore due to the numerous and respectable members of that institution, as well as to those who do not belong to it, that the facts and circumstances which are supposed to establish its connexion with the violence practised on Wm. Morgan, should be fully and accurately known.

It has appeared to me that a detail of the material parts of the evidence which has been discovered and produced before grand juries, and on the different trials, commencing with the first information on the subject, and continuing it to the present moment, would be best calculated to furnish a clear and distinct view of the whole matter. Justice to those persons implicated, who have not already been tried requires that their names should not be exposed unnecessarily. The names of such individuals, and circumstances of no other importance than as they affect those individuals, have therefore been omitted. Where the evidence in the following statement is not given in full, it is referred to, and the testimony of the witness as delivered in some public trial, is annexed in an appendix to this report. Minute circumstances and details, collateral to the main inquiry, or not materially bearing upon it, have been omitted with the view of presenting more distinctly the history of the principal transaction.

In the spring and summer of the year 1826, William Morgan, a citizen of this state, resided at Rochester and Batavia, but chiefly at the latter place. His occupation was that of brick-layer and stone-mason. His family consisted of a



wife and two children, and his circumstances were indigent. In the summer of that year, it became known that he was preparing a work, in which the obligations, secret signs and ceremonies of freemasonry were to be published. This seems to have excited great commotion among the members of the fraternity in that vicinity, particularly among those residing at Batavia. Consultations were had among them respecting the means which should be adopted to prevent the publication of the contemplated work. Persuasion, and advice were resorted to in the first instance, and hopes seem to have been entertained for a time that they would be effectual. These expectations, however, were soon dissipated, and other means appear to have been adopted. William Morgan had been arrested in some civil suit, and had given bail. In the month of August his bail in that suit surrendered him to the sheriff of the county, and he was closely imprisoned in jail from Saturday until the ensuing Monday. In the meantime, by virtue of some pretended process, search was made at his lodgings for the manuscripts of the obnoxious publication, which appears to have been unsuccessful. It was known that some progress had been made in printing the books, and violent measures appear to have been determined on to suppress it. Arrangements were made for the assembling, at Batavia, on the night of the eighth of September, of members of the fraternity from different and distant places. It is distinctly proved that a party of fifteen or twenty persons, from Buffalo and its vicinity, assembled at a tavern about four miles west of Batavia in the afternoon and evening of that day; they remained there until eight or nine o'clock in the evening, when they went towards Batavia. At the same time a party came to Batavia from Lockport and its vicinity. It is in proof that this party were composed of persons, some of whom had been selected for the express purpose of going to Batavia, there to assist in measures to suppress the book, and to separate William Morgan from the individual who was printing it, voluntarily if possible; forcibly if necessary. That his forcible removal was contemplated, would appear from the testimony of Hiram B. Hopkins, and of Eli Bruce. H. B. Hopkins testified that he was told by Eli Bruce, at a time near the eighth of September, that William Morgan was to be taken from Batavia, for revealing the

secrets of Masonry, and that he would be sent away. It was thought then, that he would be sent to Niagara through Lockport, and Bruce desired him to prepare a cell in the jail for the reception of Morgan, which was prepared accordingly. He then distinctly understood from Bruce, that there was a plan laid for the removal of Morgan. His testimony is substantially corroborated by that of Eli Bruce.

There is evidence that communications were had, previous to the tenth of September, between members of the fraternity at Batavia and their brethren at Rochester, respecting the means to be adopted to suppress the manuscripts of William Morgan, and to prevent his threatened publication.

On the evening of the eighth of September already referred to, a large party assembled at Stafford, six miles east of Batavia. These persons came from Canandaigua and other places east of Batavia; in the course of the night they proceeded to Batavia, with the declared purpose of seizing the manuscripts of Morgan. What other purposes were contemplated, if any, are to be inferred from the other circumstances. This formidable assemblage of so large a number of persons from Buffalo, Lockport and various places east of Batavia, seems to have eventuated in no positive acts of violence. The printer of the obnoxious manuscripts had collected some friends and weapons for defence; whether this circumstance deterred any further prosecution, or whether it was voluntarily abandoned by those engaged, is no evidence to determine. The assemblage dispersed and the persons composing it returned to their respective homes. The distance from Batavia to Canandaigua is forty-eight miles; and which, by the ordinary means of conveyance, would require the day of the ninth of September for any of the party that were at Batavia, to travel to Canandaigua.

On Sunday morning, the 9th of September, between nine and ten, A. M., Nicholas G. Chesebro, called on a magistrate at Canandaigua to attend at his office, to issue a warrant. He accordingly attended with Ebenezer G. Kingsley, who made a complaint against Morgan for having taken away a shirt and a cravat, which he had borrowed of Kingsley. Upon Kingsley's oath, the justice issued a warrant for Morgan.

With this warrant, N. G. Chesebro, accompanied by a constable, and three

or four others, immediately proceeded on the same day to Batavia; and on the next morning, the eleventh of September, they arrested Wm. Morgan, who was put into a stage coach and brought to Canandaigua. In the evening of that day he was carried before the justice who issued the warrant, by whom he was examined and discharged. Chesebro then applied for a warrant against Morgan, for a debt of about two dollars, the amount of a tavern bill that he had contracted with one Aaron Ackley, which as Chesebro alleged had been assigned to him. Judgment was entered against Morgan for two dollars and sixty-nine cents, debt and costs, and an execution immediately issued, which was put into the hands of the same constable, who had brought Morgan from Batavia, and by virtue of which, Morgan was committed to jail at Canandaigua, on the same evening of the eleventh of September. Wm. Morgan remained in the Canandaigua jail until the evening of the next day, the twelfth of September, when he was taken out under the circumstances hereinafter mentioned.

It appears from the testimony of Aaron Ackley, that on the evening of Monday the eleventh of September, between eight and nine o'clock, and which must have been immediately after, William Morgan was committed to jail, Loton Lawson told the witness that Morgan was put in jail, and he, Lawson, was going to Rochester as soon as possible. Witness let him have a horse, with which he went away, and returned the next morning, saying he was taken to Rochester; and soon after called to bed, telling witnesses that some gentlemen from Rochester would call for him. In the afternoon two persons, whom the witness said were Borage Smith and John Whitney, called and inquired for Lawson, who was called up, and on being informed that two persons inquired for him, came down stairs and went out. Another witness swore that Borage Smith and John Whitney, who at the time resided in Rochester, were in Canandaigua on the twelfth of September; that they left Rochester together that morning, in the stage; and that at Victor, ten miles north of Canandaigua, a person joined them in the stage, and came into Canandaigua with them early in the afternoon of the twelfth of September. Whitney inquired at Canandaigua for a stone cutter, whom he wished to employ.

The circumstances under which Wil-

ham Morgan was taken out of the jail at Canandaigua on the evening of the twelfth of September, as related by Mrs Hall, the wife of the jailor, on the various trials on which she has been examined as a witness, are these:—The jailor himself was absent during the evening, in the village. Soon after dark, Loton Lawson came to the jail and asked if Wm. Morgan was there? After being informed that he was, Lawson told witness that he wanted to pay the debt and take Morgan away, but she evaded him by saying she had not the key of the desk where the execution was. Lawson and Mrs Hall went to the prison part of the building, and Morgan came to the door of his cell. Lawson said that he wished to have some private conversation with Morgan, and asked if he might go into his room? which Mrs Hall refused to permit. Lawson asked Morgan if he would go home with him, if he would pay the debt and take him out? To which Morgan answered that he would. Lawson said to Morgan that he did not know as he could take him out that night, as Mr Hall was gone, and Mrs Hall had not the keys of the desk. Morgan said, 'never mind, then, let it be till morning,' or something to that effect. Lawson said that he wished to take him out that night, for he had been running all day for him and was very tired. Mrs Hall and Lawson then went out of the prison part, which is separated from the dwelling part of the building, by an iron door which intersects the whole building. Lawson then told her that he wanted to take that man out very much, and wanted her to take the money for the debt for which he was confined; which she declined on the ground that she could not get the execution and did not know its amount. He then went away, saying he would try to find Mr Hall. After a short time he returned in company with another, whom he called Foster, but who she thought was a man of another name, from Victor, that was confined on the limits. Lawson said he could not find Mr Hall, and insisted on her taking the amount of the execution, which he said was about three dollars. But she peremptorily refused. He went away and returned, reiterating his request that she should take the money, which she persisted in refusing. He asked whether, if Col. Sawyer should come and say that Mr Hall should not be injured, she would then take the money? She replied in the negative and assigned her reasons. Lawson, how-

ever, went away and returned in about ten minutes with Col. Sawyer, who advised Mrs Hall to take the money and let the man go. She still refused. Lawson asked her if she would consent if Chesebro would come and say she might let him go? Lawson and Sawyer then went away, and witness soon after went to the front door to look for Mrs Hall, when she saw Lawson and Chesebro conversing near the door. Chesebro came up to the steps, and she told him there was a man here whom Lawson was very anxious to liberate, and asked him whether she should let him go? Chesebro said 'yes, he did not want anything more of him,' or something to that effect. Lawson had told her, and she knew otherwise, that Chesebro was plaintiff in the execution by which Morgan was committed. She returned into the house and took the keys of the prison for the purpose of going into it, and told a little child that lived with her, to shut the prison door after her. Lawson said there was no need of having the door shut; she replied that it should be shut, as there were other prisoners in the room with Morgan. Lawson then, and before she had opened the prison door, stepped to the front door and gave a single whistle. She followed to the door to see what it meant, and then saw the man Lawson had called Foster coming towards the steps. She and Lawson then went into the prison hall, and the door was fastened after them on the outside. She unlocked the door of Morgan's room, and Lawson told him to get himself ready, and he came out. Lawson took Morgan by the arm, and went towards the hall door; by her direction he rapped at the door of the prison hall, and he and Morgan was let out by the child. She does not recollect Morgan's speaking after she went in the last time. Lawson took him by the arm very soon after he went out of the cell; he did not appear to pull him, but they went out in a friendly manner. Before she could get the door of Morgan's room locked, she heard the cry of 'Murder.' She went as quick as she possibly could to the front door; and saw Lawson, Morgan and the man called Foster, on the side walk, a short distance from the jail, going to the east; Morgan was in the middle, and evidently struggling to get free; his hat was off and he was struggling to get away with all his might; the other two had hold of him by his arms and to all appearance were dragging him along. While they were

passing on to the east, she heard a rap on the curb of the well, and about the same time heard the cry of murder once or twice, the last time in a suppressed tone like one attempting to say 'murder' who was prevented.

The impression she had when she heard the last cry of murder, was that it was stopped by something put suddenly across the throat or mouth, or something of that kind. Soon after she heard the rap, a carriage, which she knew perfectly well, and was said to belong to Hubbard and was usually driven by him, came from the livery stable on public house west of the jail, and passed on in the same direction which Lawson, Morgan and Foster had gone; in a few minutes the same carriage returned to the west; this was about nine o'clock in the evening; it was a bright moonlight evening; she did not see the carriage turn, being prevented by the interposition of a house at the east of her.

Richard Wells testified, that being a physician in Canandaigua, he was visiting a patient living near the jail, on the evening that Morgan was carried off, and was about twenty rods west of the jail when he heard an outcry, and hollow, like some person calling for aid. He stopped a moment, and then advanced a few steps, and heard the cry a second time. He quickened his pace towards the jail and heard no more of the noise; he turned around and went up to the sidewalk, where he saw Mr Chesebro about it who told him a man had been imprisoned at his house, but Mrs Hall would not let him go. He, Chesebro, went there to release him, and he had been and discharged him; he believed some one had a bail-piece for the man and was taking him which was the reason of the outcry. When he heard the outcry he saw persons in front of the steps of the jail; the outcry came from thence. After a short time the carriage returned from the east and came west, and turned the corner to go north.

From the testimony of Henry Warner it appears that he saw the persons coming down the street to the jail; saw the middle man struggling and bearing back, heard him cry murder three times, saw his hat fall off and Chesebro make motions as if holding a handkerchief to his mouth. That he saw Sawyer rap on the curb of the well, saw the carriage driven by Hubbard go to the east and turn; that it stopped on the road where the three persons who came from the jail were standing, and that the middle man,

was put into it forcibly by the others.

*Hiram Hubbard* testifies, that application had been made to him by Mr Coe to drive a party: That upon some one, (unknown to him,) telling him to drive to the east of the jail, he drove there, where he found five or six persons standing in the road, who got into his carriage. He was not in a situation to observe them particularly, and did not. He did not know any of the persons who got into his carriage, and did not see or observe any violence used, or any unusual noise in their getting in. He believes he took in five persons. It was about nine o'clock when he started; some of the passengers told him to go to Rochester. He drove to a tavern on the Rochester road, about six miles north of Canandaigua, where he watered his horses, and some of the passengers got out and took some refreshment. He drove to Victor, four miles beyond, and watered his horses at a public reservoir in the road. Thence he drove to Mendon, four miles further, where he went into the public house; and thence to Rochester, eight miles further, where he watered his horses at the public reservoir, and where he arrived at about day break in the morning of the thirteenth of September. After leaving the tavern six miles from Canandaigua, none of his passengers got out until he arrived at Rochester. There one of them left the carriage, was gone a few minutes, and, as the witness supposed, the same person returned and got into the carriage. He presumes he was told to drive to Hanford's about three miles from Rochester, as he drove there, and stopped to get feed for his horses, which he did not procure. He drove about eighty rods beyond Hanford's towards the Ridge Road, where he was told to stop. He did so, and his passengers got out, in the road, near a piece of woods, there being no house much nearer if any, than Hanford's. He there left his passengers in the road, and his carriage he drove back to Rochester.—He allowed his passengers very slightly, that they got out, but did not see any one without a hat, nor did he see any force or violence used. Nothing passed between him and his passengers respecting compensation; he did not know any of them, and has never seen any of them since to reimburse them. He was told by Charles some months afterwards, and after the latter had been tried, and while he was in jail. On his return to Rochester he

met two carriages, each with two horses, going west, one was a dark color, a green he thinks, the other was a light color, yellow or drab. The curtains of his carriage were down going out; after he turned and before he got to Rochester, on his way back, he rolled them up.

From the testimony of *Ezra Platt*, given on the trial of Eli Bruce, as furnished me by the district attorney of Ontario county, it appears that about four or five o'clock in the morning of the eleventh or twelfth of September, some one called on him for a carriage to go to Lewiston, and desired it might be sent to Ensworth's, (a tavern in Rochester,) where the company was. He called his driver and sent him with a carriage and horses, soon after. He had two carriages, one a cinnamon color or yellow, the other green; he thinks the first was taken. It was gone several days. He supposed it was taken for the use of the commissions, who were going out to install a chapter at Lewiston, as he had been previously applied to, to furnish a carriage for that purpose. He did not know and has never ascertained, who the person was that called for the carriage. He supposed the chapter would pay him for the use of it, but has not been paid, and has never asked any person to pay him.

It is proper here to observe, that it has appeared in testimony on the different trials, that all the persons who went from Rochester to Lewiston and attended the installation there, (excepting B. Smith and J. Whitney,) went either in the stage or in the steamboat.

By the testimony of *Sarah Wilder* it appears that about the middle of September eighteen hundred and twenty-six, a certain person came in a sulkey to Capt. Allen's, who was living at Clarkson, about twenty miles west of Rochester on the Ridge Road, and had some conversation with him. That in ten or fifteen minutes afterwards, a hack drove up to the door, the horses were taken from it, and Capt. Allen's hitched to it; they were taken from the orchard where they were drawing apples; the person who came in the sulkey helping to harness them. The carriage was dark brown, and was closed; stood in the road; no person got out of it or got in; the driver who came with the carriage, there, went on with it to the west. This was about ten or eleven o'clock A. M. The next day, about 6 P. M., she saw the same carriage return from the west; there were no passengers, and the

curtains were up. It was driven by the same person who drove it west the day before — Capt. Allen's horses were taken from it, and those which had come from the east and had remained in the meanwhile at Allen's were harnessed to it, and it drove on towards Rochester. Allen did not keep a public house. It was a pleasant, warm day.

By the testimony of *Silas Luce* it appears that about the middle of September eighteen hundred and twenty-six, he saw Mr M. who resided at Gaines, about fifteen miles west of Clarkson, riding one horse and leading another towards a carriage that was standing in the road, from which the horses were taken, and those brought by Mr M. were harnessed, and he mounted the box and drove the carriage on to the west. This was about twelve o'clock. He describes the carriage as a dark colored, he should think dark green; the curtains were drawn and the windows of the door up on the side which he passed, and the front and rear were closed; it had been for several days, and then was, unusually warm weather.

*Israel Murdock* testifies, that on the thirteenth of September, eighteen hundred and twenty-six, not far from the middle of the day, he was standing at the house of J. L. Perry, about nine miles west of Gaines; he saw a carriage coming westward, driven by — as he supposed, and whom he knew perfectly well; he nodded to the driver, who did not return the salutation, which caused some doubt of his identity; the carriage was closed, it was dark colored, he should think a brown or a chocolate color; on the evening of the fourteenth of September, eighteen hundred and twenty-six, he met the same carriage in the street at Rochester, it was then coming from the west. At about ten or eleven o'clock in the morning of the fourteenth the witness was at his house, two or three miles west of Perry's when the same carriage drove up from the west driven by the person whom he supposed he saw driving it on the day before from the east; the curtains were then up. The stage for the east was about ready to depart, in which witness was going; and as he was about to get into it, J. B. called to him, and handed him a paper to do some business for him at Rochester.

The progress of the carriage west was further traced by *Lyman Turner* and *Lewis Soper*, who describe it as being closed, and of a dark color, and as being

driven by the person described by S. D. Luce and Israel Murdock; and they also concur in the statement that it was a very warm day.

*Seymour Murdock* testifies that on the same day, between the tenth and fifteenth of September, eighteen hundred and twenty-six, and a day on which his son Israel was absent at Perry's, as the eastern stage arrived and the passengers came into the house, one of them, whom he does not know and has never seen since, took him aside and asked him if he was a royal arch mason? Witness said he was not: at the request of this person the witness furnished him with pen, ink and paper, with which he wrote a line to J. B. and sent a boy, whom witness furnished, with it. In about half an hour J. B. came to the house, and he and the stranger conversed together on the platform; he did not hear what passed. The stranger, with the other passengers, got into the stage and it drove off to the west. After the witness had got his dinner and came out to the front door, he saw J. B. coming towards the house on one horse and leading another; he put them under the shed and asked for feed for them, which was furnished. He and witness were on the platform in front of the house; when witness saw a close carriage coming from the east, driven by the person described by S. D. Luce and Israel Murdock; he was on the box on the near side; there was another man on the off side, who was unknown to witness. There were two passengers in the carriage, one driving, the other about four rods off. The carriage took the lower road. He was well acquainted with the driver, but no sign of recognition passed between them. After the carriage had passed a few rods, the driver stopped it and beckoned to J. B. who was standing with witness on the platform. J. B. went to the driver of the carriage, who dismounted from his box, and they appeared to converse together for a few minutes, not a quarter of a minute. The driver of the carriage mounted his box and drove on. J. B. took his horses from the shed, mounted one, led the other, and went on after the carriage, which was the last witness saw of him. He describes the carriage as being reddish and dark colored, thought it was a chocolate color; the curtains were closed; he knew the horses perfectly well, they belonged to a certain person in Gaines.

*David Van Horne* testifies that the day before the installation at Lewiston,

(which was proved by others to have been on the fourteenth of September,) about two o'clock in the afternoon, he was sitting on the front stoop of a store at Johnson's Creek, five miles west of Murdock's when he saw a carriage, which he thinks was closed, pass to the west, driven by the person described by S. D. Luce and Israel Murdock; about half an hour after the hack passed he saw J. B. come on from the east and pass to the west, riding one horse and leading another. He knew J. B. well; he lived three or four miles to the east of witness. The day was warm and pleasant.

On the trial of John Whitney, *Eli Bruce* was called as a witness on the part of the defendant and testified as follows: some six or eight days before Wm. Morgan was brought to Niagara, a gentleman from Batavia told the witness that Morgan was willing to go away from Miller; and the gentleman wanted him, (Bruce,) to assist in getting him away; which he declined. A short time before Morgan came to Niagara, he (Bruce,) had been requested by Mr T. to prepare a cell for him in the jail, and was told that Morgan would be there that night. On the evening of the thirteenth of September, eighteen hundred and twenty-six he was first apprised that Wm. Morgan was coming on the ridge road. He was then informed of it by Burage Smith and another person, then living at Lockport, at that place. They told him Morgan had come, and was going to Canada voluntarily; they said he was peaceably and wanted witness to go with them in getting him along. He refused, but finally went to the house of Simon C. Wright, on the ridge road, or three miles north of Lockport. He came there between nine and ten o'clock in the evening, and saw several persons there not belonging to the house. As he was going to Wright's, he met several persons on foot, on the road to Lockport. When he found a carriage, which he drove together with Wm. Morgan and David Hague who is now dead. There were no other persons in the carriage; it was driven by a person whom he knew. The curtains of the carriage were closed and the windows of the doors were up. They drove to Molyneaux's tavern, (about a mile from Wright's as appears from the testimony.) When they arrived, another person rode up on a horse, and after he did not stop, witness does not know what became of him. They drove

on to Lewiston, where another carriage was procured, and the same persons who came on from Wright's got into it, and no others. From Lewiston they went to the ferry at Youngstown; on their way another person got into the carriage. The testimony of Corydon Fox, relating to this part of the transaction, is perfectly correct. The object was to get Morgan away from Miller, into the interior of the country on a farm. At the ferry he crossed, with Morgan, into Canada; four persons besides himself, went over; they went in the usual ferry boat. The arrangements in Canada, for the reception of Morgan not being completed, they returned. It was thought best to wait a few days. Morgan was brought back to this side, and put in the magazine in fort Niagara, to await the preparations on the other side to receive him. Witness left him in the magazine some time before day, — it was past midnight. He has never seen him from that day to this and has never had any communications from any person as to what was done with him.

The conversation he had with Morgan on the way, was, that he was going among his friends; he was easy and said nothing. He did not actually see Morgan until their arrival at Lewiston. When he got out of the carriage, he locked arms with the two men who were with witness; he did not appear feeble. He then supposed that Morgan went voluntarily. They did not drink anything but once, which was at Molyneaux's. Morgan had a handkerchief over his eyes while with witness; and had a hat on. Witness supposed, and was informed, that the object of putting a handkerchief over his eyes, was, that he should not discern those who rode with him.

*Robert Molyneaux* testifies that in September, eighteen hundred and twenty-six, he lived on the ridge road thirteen miles, east of Lewiston, and about twenty-one miles west of Murdock's. On the night of the thirteenth of that month, he was called up by Eli Bruce, who wanted a pair of horses to put before a carriage that stood in the road, to go to Lewiston. He got his horses from the pasture, and assisted the driver of the carriage in harnessing them. The horses that came with the carriage were taken off and put into the barn. The horses were driven to the west by J. B. The carriage was closed. Bruce got into it; witness could not see whether there were other persons in it or not. There was another person

about the carriage who had a horse, whom witness did not know. When he rose in the morning found his own horses returned to the stable, and those which came from the east, with their driver, were gone.

William Molyneux testifies, substantially, to the same leading facts.

The testimony of Corydon Fox, is given at large in the appendix G. He was in the employ of Samuel Barton, at Lewiston, as a stage driver; about the time of the installation of a chapter, at that place, in eighteen hundred and twenty-six, and the same evening, or the evening before, he was directed by his employer to put a pair of horses to a carriage, and bring them to a tavern called the frontier house. He harnessed his horses, and drove to the stage office, from which he started to go to the frontier house, when Eli Bruce met him, got upon the box of the carriage with him, and directed him to drive around to a back street, near another carriage; he drove up to a hack that was standing without any horses before it, in the back street, in the road leading to Youngstown. One or two persons were standing near, about the carriage, as he drove up. Some persons got out of the carriage without horses into that which he drove; he believes three got into his carriage. He did not get off his box. He has no recollection of seeing any one with a handkerchief, or anything singular about his head; or observed anything singular in the manner of the persons getting into his carriage, nor anything singular in their manner, in other respects, that he recollects. This was between ten o'clock P. M. and midnight. He had been asleep. He was told by Bruce to drive to Youngstown; which he did. Just before he got there Bruce told him to stop at Col. King's, and he stopped there accordingly. Bruce got out of the carriage, called to King, and rapped at the door. King came down, opened the door, and had some conversation with Bruce. While Bruce was standing at King's door, some one in the carriage asked for some water, in a voice like a woman's voice; it was not harsh as a man would speak. Bruce answered, and said, you shall have some in a moment. Col. King and Bruce got into the carriage. Witness asked Bruce whether he should stop at Phillip's tavern, and which was a little below King's. Bruce said, no; drive on to the fort. He drove to near the burying ground, where he was told to stop. He did so,

and his passengers got out, and went off, four of them in a row, and appeared to him to lock arms. Witness immediately asked Bruce if he should wait for him. He said, no; you can go back about your business. He turned his carriage round, and went back to Lewiston. He did not observe anything singular in the manner of the persons who got out of his carriage; they got out on the west side, which was next to the river; he turned his carriage round on the other side. He says he never drove up into the back street and took out passengers, on any other occasion than that to which he has now testified.

Other corroborative testimony has been given, relating to the manner in which the passengers got out of the hack into Fox's carriage, but it is not deemed material to detail it here.

From the evidence of Hiram B. Hopkins, and from other testimony taken before the grand jury of Niagara, it appears that during the installation at Lewiston, on the fourteenth, it was known to several persons assembled there, that William Morgan had been carried through, and was at fort Niagara; that a messenger was sent by a certain person at Youngstown to Lewiston, on that day, with directions to tell Col. King, or the tailor from Lockport, (D. Hague,) that the man in the fort was making a noise or disturbance, and that some of them should come down. He met Hague at Lewiston, and delivered the message; Hague would go down there, and see him.

Before the body, the confessions of a person who has not yet been tried, were produced. So much as tends to the implication of himself, is here omitted. This person stated that a man had been brought to the fort and confined there, in September, eighteen hundred and twenty-six. The man was in charge of \_\_\_\_\_, until the latter went morally; when the man was in charge of \_\_\_\_\_, who had him for several days; until on \_\_\_\_\_ (believed by the witness to be the nineteenth of September,) the man confined in the fort was missing; he was gone. The person making the confession denied that he had any hand in getting away the person from the fort.

A person examined before a grand jury, in relation to the death of Col. King, has testified that some time after the abduction of William Morgan, and he should think at least two weeks, and not longer than six weeks thereafter, he

learned that the dead body of a man had been found, which had floated upon the beach one or two miles below fort Niagara, and that a coroner's jury had been called to view it. At this time he met Col. King at Lewiston; he was passing to and fro on the steps of the Frontier House. He called to witness, who went to him, and Col. King said, Doctor, don't you want a subject? The witness said he did not. King said, there is a body floated on the beach—you can take it to the fort, you know there is nobody there but ———, and you can have any room you please. The witness replied that the body would not be of any use, as it had probably been spoilt by the water. King said, Uncle Kelly, (the coroner,) has summoned me; I told him I had business at Lewiston, and could not stay; I am afraid it is the body of Morgan; should it prove to be so, we shall hear tonight. You must go tonight and take it up and hide it, and take care of it; you must put it where it can never be found. King was extremely agitated, and the witness was alarmed for him, as he evidently believed it was the body of Morgan. Witness answered, if you have got into any difficulty, you must work your way out, I will have nothing to do with it. King turned to witness, and said he must go. Witness said he should not, he would have nothing to do with it. Upon this the manner and appearance of King became changed, and he said, as if in a jocose way, I guess it is Morgan, it is Morgan, he laughed quite heartily, as if he had been joking upon witness. ——— did not think it was a joke by any means. King knew him to be a man of no further direct judicial evidence known to my knowledge respecting the fate of William Morgan, except the testimony of a witness given before the grand jury, who has been excluded from testifying on the trials of some of the parties implicated, on the ground of his religious disbelief, and which therefore does not seem properly embodied in this report.

That the information which has been received, I am persuaded that the death of William Morgan, [of which little doubt is generally entertained,] was a contemplated until he was brought back from Canada. Indeed no very definite purpose appears to have been originally formed. The immediate exigency seems to have been his removal at all events, and his final disposition probably did not enter into the calculation

of those who were concerned in carrying him to Lewiston.

The fact has appeared in the various trials and investigations which I have conducted, that all the persons who have been in any way implicated in the outrage upon William Morgan, from its commencement at Batavia to its termination at fort Niagara, belonged to the masonic fraternity, with the exception of Hiram Hubbard and Corydon Fox; and that those who are charged with having taken the most active part, belonged to the degree of royal arch masons. Having ascertained this fact, it appeared to be a solemn duty to object to any royal arch companions sitting as jurors upon the trial of indictments against their brethren for that offence. At the last of those trials the objection was accordingly made, in two instances, and in both the verdicts of the triers were against the indifference of the jurors challenged. In the trial of those challenges, the nature of the masonic institution, and the secret signs and obligations of its members, so far as they were supposed to bear upon the question at issue, were developed and proved by witnesses, some of whom had abandoned the society, as well as by one who still adhered to it. Entertaining doubts whether this testimony falls within that description of evidence which the legislature seem to have intended should be reported, it has been omitted. It has appeared in the course of one of the trials, that in one instance, application was made by one of the persons implicated, for a contribution from the funds of a distant lodge and chapter in Jefferson county, to be applied for the relief Bruce and others engaged in the abduction of Morgan, who were represented as being persecuted. Judicial evidence of the application of the funds of any lodge or chapter to such purposes, has not come to my knowledge. Indeed the course of my official inquiries has not been directed to ascertain any such fact.

As might be expected from the virtue and intelligence of a people, worthy of a free government, the crime committed upon William Morgan excited almost universal indignation, in that section of the country particularly, which was the scene of their perpetration. Popular meetings were held, at which committees were appointed to investigate the transaction, and to aid in bringing the offenders to justice. Some of these committees have employed themselves in diverting



the public sentiment to the formation of a political party, which avows as its object the entire overthrow of the masonic institution; and as the means of accomplishing that end, the election to office of such persons only as will unite in their policy. Many of our most intelligent fellow-citizens refuse to co-operate in what they deem an undistinguishing and intolerant proscription. Entertaining an honest belief that the masonic institution has become useless, if it ever was valuable; that from the nature of its organization it is liable to be perverted to wicked and dangerous purposes; and that in this country secrecy and mystery are unnecessary and suspicious—they yet refuse to criminate all the members of the society in the misdeeds of a comparatively small number, and they deem sober and calm appeals to the understanding of the community to be a more effectual mode of procuring an abandonment of the masonic institution, than any party association, which may be subject to the imputation of personal motives.

The effect of the political organization alluded to, has been to compel a more strict and close union among those members of the fraternity, who will adhere to it, and to excite a sympathy in their favor among their friends and fellow-citizens, and thus to retard and obstruct the attainment of the professed object.

The irritation produced by this state of things has been most disastrous to the peace and happiness of society in that portion of the state. It has mingled in the business and in all the relations of life, and has affected almost every question of a public nature. Your Excellency, therefore, will not be surprised by the information, that efforts have been made on both sides, to connect it with the public prosecutions against the persons charged with a participation in the outrages upon William Morgan. On the one side, it probably has been supposed that their political objects would be promoted by a belief of the existence of such a connexion. Their opponents have concurred in efforts to impress the same belief, probably with the expectation of diverting the sentiment against what is called 'the excitement,' and of being able to attribute to that cause alone, any convictions of the accused which might take place. Indeed this has been the most effectual weapon of defence, on the various trials, in which the pending prosecutions have been most erroneously and unjustly attributed to political motives, and in which the

minds of jurors have been constantly alarmed with the apprehension, that they might themselves act under the influence of the existing irritation.

But in fact there has been no such connexion, and it is due to the honor and dignity of the government, and to the purity of the administration of justice, that the error should be exposed. The duty has been felt to be as imperative as the task was difficult, to preserve the judicial proceedings which have taken place on the subject, wholly and absolutely free from the contamination of any party influence whatever. And I report to your Excellency, that this object has been accomplished, as far as the frailty of human nature would allow. Indeed the public sentiment in relation to the prosecutions, has undergone a change. The feverish anxiety and irritation which were produced by an apprehension of the power of the government would not be efficiently exerted, that it would be unequal to a full development of the facts of the case, have yielded to a conviction that all constitutional and legitimate measures which could be adopted, have been sedulously employed, and have resulted in throwing much light upon the transaction. The public mind has therefore become much tranquillized, and instead of vindictive hostility against those implicated, they are now rather considered as the infatuated instruments of a bad institution, than as criminal agents; and freemasonry, by its obligations and its secrecy, having produced effects of deep and extensive character, a strong feeling of indignation has arisen in favor of the institution, of which a remarkable instance has recently been furnished in a verdict of acquittal, rendered under a state of evidence, which, to say the least, would have afforded very plausible grounds for a contrary result. I have conceived this statement of the actual condition of public sentiment in the western part of this state, to be sound, as well as the information of the government, as to correct the many and extravagant errors prevailing on that subject.

Notwithstanding much labor and time have been devoted to the investigation, it will probably be supposed that its progress has been slow, and to those unacquainted with the difficulties attending it, it may appear to have been unnecessarily protracted. The occasion seems therefore to require that the causes of the delay should be stated.

From the members of the masonic fraternity, who still adhere to it, and who consider themselves included in the warfare of which an account has been given, no assistance whatever has been received, although the occasions demanding it have been frequent. With but few exceptions, witnesses who still belonged to the institution, have been reluctant in their attendance at court, and apparently indisposed to testify. Difficulties which never occurred in any other prosecution, have been met at every step. — Witnesses have been sequestered, they have been sent off into Canada, and into different states of the Union. They have been apprised of process being issued to compel their attendance, and have thereby been enabled to evade its service. In one instance, after a party implicated had been arrested and brought into the state, he was decoyed from the custody of the individual having him in charge, and finally escaped. These occurrences have been so numerous and various, as to forbid the belief that they were the result of individual effort alone, and they have evinced the concert of so many agents as to indicate an extensive combination to screen from punishment those charged with a participation in the offence upon William Morgan. No evidence, however, has come to my knowledge to justify the belief that the members of the masonic institution generally, have been engaged in any such combination.

It should not be inferred that testimony which has been given in this report, can be produced in a trial. Some of the witnesses have been beyond the reach of legal process, others peremptorily refuse to testify, and they are in such a situation, that they suppose themselves beyond the legal means of coercion. Facts and circumstances which have been fully proved on a previous trial by direct testimony, require before to be established on other occasions, by circumstantial evidence drawn from the numerous and variety of the cases to be examined, and the complicated nature of the questions to be determined, the investigations and the trials necessarily occupy much time.

Until the expiration of the period prescribed by law, for commencing prosecutions, I have attended all the courts in the different counties where indictments could be found, and have examined witnesses before the grand juries summoned at such courts respectively. From what has been already stated, it

will be seen how much time and effort have been required to discover testimony, to collect the necessary witnesses and to secure their attendance before the various grand juries, and at different courts, where trials were had or were expected.

Some of the indictments which had been found under the direction of my predecessor, it was ascertained were irregular, for causes which were not known to him, and which were beyond his control; and in those cases new indictments became necessary. There are now pending and untried, in the county of Niagara, indictments against twelve persons; in the county of Ontario against two persons; and in the county of Genesee, against four persons. At the general sessions in Ontario, in May last, Eli Bruce, who had been previously tried and convicted for a conspiracy to carry off William Morgan, but whose sentence had been suspended, to take the opinion of the supreme court, upon a question of law, was adjudged to imprisonment in the county jail for two years and four months. At the same court John Whitney and James Gillis were tried for the same offence; with respect to the latter, the jury did not agree; the former was convicted and sentenced to imprisonment in the county jail for one year and three months.

The circuit and oyer and terminer which were appointed for Niagara county, in April last, failed in consequence of the indisposition of the circuit judge. In July, a special circuit and oyer and terminer were held in that county, at which the indictments then pending there were removed by the defendants, by certiorari, into the supreme court. The circuit appointed to be held in that county, in the month of November last, failed, in consequence of the prolonged sitting of the Orleans circuit, so that the indictments pending there could not be brought to trial. In August last, a circuit and a court of oyer and terminer were held in Monroe county, by Judge Edwards, of the first district, at which the only indictment then pending there was removed into the supreme court, by the defendant. At the last October term of that court, a special motion was made by the defendant in that indictment, which was argued and denied, at the present term the defendant has interposed a special plea in abatement. These proceedings have hitherto prevented the joining issue upon the guilt or innocence of the defendant. In November last,

John Mather was tried at the Orleans circuit, and after a trial of ten days was acquitted. A motion for a new trial has been made upon a case settled, which has been urged at the present term of the supreme court, and is not yet decided. What yet remains to be done will be seen from these details.

It is impossible to predict what time will be requisite to bring the pending prosecutions to a termination. It may be safely affirmed, however, that they cannot be terminated by trials, before the expiration of the term prescribed as the duration of the act, continuing in force the statute which originally authorised the employment of a special counsel.

Considering the number of witnesses required on the trial of the indictments, and the extraordinary difficulties attending the compelling their attendance by the usual means, some of which have been stated, it has occurred to me, and I respectfully suggest the propriety of extending the provisions of sections 22, 23 and 24, of Title 2d of Chapter and 4th Part of the Revised Statutes, so as to confer the power which is there given to justices of the peace, in requiring sureties from witnesses to criminal courts and magistrates after indictment found. I do not entertain any doubt of their now possessing such power, but its effectual exercise depends much upon its being distinctly known that it is possessed.

The allowance which has been made to witnesses under the law authorising the appointment of special counsel has been confined to their actual and necessary expenses. Many of them have repeatedly been obliged to leave their homes and attend court after court, for weeks, during which their business has suffered, and they have been materially injured. Upon these the discharge of their duty has been most oppressive. An indemnity for the loss of their time is not expected, but something towards compensation for the extraordinary sacrifices which they will in future be compelled to make in the shape, either of a specific daily allowance, or of such sum as the presiding judge of the court shall deem reasonable, seems demanded by obvious considerations of justice. The public would not probably sustain any loss by such a provision, as it will save the otherwise inevitable expense of despatching officers for such witnesses, and of delaying courts and juries to procure their attendance.

JOHN C. SPENCER.

JANUARY 26, 1830.

CITY OF NEW YORK. — FINANCES. — The following abstract of the annual report of the Comptroller of the city of New York, exhibits the state of the finances of that city, and the extent of the receipts and expenditures of its treasury:

The balance in the treasury on the 31st December, 1829, was \$1,148 90  
Received into the treasury to 31st Dec. 1830, 1,036,940 40

\$1,038,089 30

Paid out on 1551 warrants, 1,038,419 70

Balance in the treasury 31st Dec. 1830, \$4,669 60

The debt due by the city on the 31st December, 1829, was \$889,639 23

The debt due by the city on 31st Dec. 1830, 774,555 66

Decrease \$115,083 57

The balance due the corporation for the late State Prison lots of ground at Greenwich, is \$87,975, which will be payable with interest at 6 per cent per annum on the 1st of May next.

The receipts of the city treasury were drawn from various sources.

From sales of manure, \$19,033 45  
From alien passengers, 14,901  
From lottery offices, 7 000  
Taxes and excise licenses, 30,880  
Rents, 49,692 41  
From the City &c, 915,433 61

\$1,036,940 50

Amount of disbursements of expenses were the following:

Expenses of city watch, \$86,592 29  
Public schools, 25,995 69  
Police office, 11,928 92  
Lamp, 1,111 11  
Alms-house, Bridewell and Penitentiary, 1,166

The sundry expenditures of juries, 1,033,419 70

\$1,033,419 70

Total assessment of real estates in the year 1829, \$76,831,880 00

Do. Personal, 35,691,136 00

Total assessments, value 112,526,016 00

Amount of city tax, 507,107 24

The personal property of this city, as returned by the assessors, for the last eight years, has been as follows:

<i>Personal.</i>	<i>Real estate during the same period.</i>
In 1822 \$17,958,570	1822 \$53,000,000
1823 33,246,941	1823 50,000,000
1824 35,550,906	1824 52,000,000
1825 42,734,151	1825 58,000,000
1826 42,534,931	1826 64,000,000
1827 39,594,156	1827 72,000,000
1828 36,879,653	1828 77,000,000
1829 35,984,136	1829 76,000,000

The amount of stocks, in banks, insurance companies, &c., was, in addition, \$21,944,235.

**MORTALITY IN NEW YORK.**—The number of deaths in the city of New York in 1829, was 5,094; in 1828, 5,181; in 1827, 5,181; in 1826, 4,923.

Of the persons deceased in 1829, 1,383 were men, 1011 women, 100 boys, and 1166 girls; total, males 2494, females 2177—excess of males 740. The number of deaths in January, 421; February, 394; March, 420; April, 356; May, 383; June, 337; July, 471; August, 597; September, 523; October, 434; November, 361; December, 381. The smallest number of deaths was in June, and the greatest in August.

During the session of the legislature for 1830, a bill was introduced for the purpose of enabling the Holland Company to purchase in certain lands in the town of Sheldon, in the county of Genesee, upon sales under certain mortgages, which were assigned to them by Phelps and Chipman. The bill was introduced into the legislature on the 1st of March, and was sanctioned by the whole assembly, and was resident upon the land, and was in order to secure to the company a perfect title, inasmuch as the title deeds, derived from Phelps and Chipman, had been lost or destroyed, so that it would be difficult to trace the title to an authentic source.

The publication of this having excited attention, and being circulated in the western part of the state, the company, perceiving the danger of this, and the fact that the title deeds had escaped into the state, efforts were made by some speculators to excite a prejudice against the title of the company, which caused the publication of its chain of title. As this document is interesting and contains an account of the evidences upon which the title of this large tract of country depends, we insert it at length.

King James II. granted to the Plymouth Company a tract of country called New England; running through the continent, from the Atlantic to the

Pacific ocean, part of which, also extending to the Pacific, was granted in 1628, by the Plymouth Company to Sir Henry Roswell and his associates, called the Massachusetts Bay Company.

The first charter of Massachusetts granted by king Charles I. appears to have been vacated by quo warranto; a second charter was granted by William and Mary, in 1691, in which the territorial limits of the province, although differently bounded, are also made to extend westwardly to the Pacific ocean.

The province of New York was granted in 1663 by Charles II. to the Duke of York and Albany, (afterwards king James II.) who subsequently granted to Berkeley and Carteret the province of New Jersey. The remainder of the country comprehended in the grant of king Charles II. constituted the province of New York, which always claimed to extend her limits, both as to right of property and jurisdiction, as far north as the bounds of Canada.

Of the territory which by the treaty of peace of 1783, was ceded by Great Britain to the United States in their collective capacity, each of the individual States claimed such portions as were comprehended within their original grants or charters.

Massachusetts consequently laid claim to a strip of land extending to the westerly bounds of the United States, thus dividing the state of New York into two parts.

The legislature of Massachusetts, by two acts passed 13th November, 1784, and 17th March, 1785, authorized a cession, by their delegates in congress, to the United States, of such part of the territory between the Hudson and Mississippi rivers as the delegates might think proper, under which authority, a deed of cession was executed by the delegates on the 18th April, 1785.

By this deed, all the lands which she claimed west of the meridian which now constitutes the west bounds of this state, were ceded to the United States.

The claim of Massachusetts to all the remaining territory west of the Hudson, was finally adjusted and settled, by a convention, concluded at Hartford, Dec. 16, 1786, by which the presumptive right of soil, (or right of obtaining it of the native Indians), was confirmed to her, of all the territory of this state, west of a meridian line running through Seneca lake, a strip of one mile in width, bounding on the Niagara river, and running its whole length.

'By a concurrent resolution of the legislature of Massachusetts, passed in the house of representatives, on the 5th and in the senate on the 4th March 1791, and duly approved by the governor a committee of each branch was appointed with power to negotiate a sale to Samuel Ogden, of all the lands ceded to that state, by the state of New York excepting such parts thereof as had been previously granted to the United States and such parts thereof as then belonged to Nathaniel Gorham and Oliver Phelps, their heirs or assigns, by virtue of any grant or confirmation of the commonwealth of Massachusetts, and receiving one equal undivided sixteenth part of the unexcepted lands. The committee was composed of Samuel Phillips, Nathaniel Wells, David Cobb, William Eustis and Thomas Davis, who, in pursuance of the powers thus delegated to them, concluded, and on the 12th March, 1791, entered into and executed a written contract of sale in the form of an indenture, with Samuel Ogden, by which, on behalf

of Massachusetts, they covenanted upon the terms and conditions therein specified, to convey to him or to his assigns all the estate and interest of that commonwealth, in the lands referred to in the foregoing resolution. The referred sixtieth part was afterwards conveyed to Robert Morris, by the state of Massachusetts.

'The lands of the Holland Land Company, are embraced in four deeds of conveyance, executed to Robert Morris, by the above named committee, all dated 11th May, 1791, each recited the contract with Samuel Ogden, as contained in the instrument of the 12th March, 1791, together with his release of the covenants contained in that instrument and his agreement, that the land therein described should be conveyed to Robert Morris, and receiving one undivided sixtieth part of the premises therein described, and finally conveying such a distinct tract of land supposed to contain 500,000 acres.'

## NEW JERSEY.

Sept 1829 The controversy which has so long existed between New York and this state respecting boundaries now begins to assume a serious aspect. Some beds of oysters had been planted by the New Jersey oyster company near Ambury on the disputed territory and this month the oystermen from Staten Island commenced fishing there. Remonstrances were made against these alleged trespasses, which being disregarded resort was had to military force, and the fishermen were for a time driven off. They however returned and finally carried off the whole bed valued at \$25,000. Bills of indictment were preferred against some of them at the next term of the Middlesex Court of New Jersey but no trial took place as the persons indicted were not placed within the jurisdiction of New Jersey.

The Legislature met on the 27th Oct at Trenton. Alexander Wall was elected speaker of the Assembly and Edward Condit, Vice-President of Council.

James D. Wescott, was appointed Secretary of Council, and Borden M. Voorhies, Clerk to the House.

In joint meeting of the two Houses on the 30th Garret D. Wall, Esq (Jackson) was appointed Governor, and Isaac H. Williamson, Esq (Anti-Jackson)

Mr Wall declined the appointment and Peter D. Vroom was chosen in his place.

The legislature of the state, it is estimated, after a few days only, adjourned on the 30th of January.

The session of the legislature, it is estimated, was interrupted by a heavy snow storm, which prevented the assembly from attending on the 7th of February. Mr. Wall, of Essex, offered the following preamble in resolution:

'Whereas the interest and prosperity of the state of New Jersey, in common with the other states of the union, is essentially dependent upon a proper protection and encouragement of domestic manufactures and commerce, and whereas the establishment of such manufactures and commerce is essential to the health and internal resources of our country, which can never be realized while dependent on foreign manufactures. Therefore

Resolved, by the senate and general assembly of the state of New Jersey, That the senators and representatives of this state in the congress of the United States be and they are hereby requested, in their votes and influence in that body, to oppose a repeal or any such modification or alteration of the existing

tariff, as may lessen or impair the encouragement and protection now afforded to the mechanics and manufacturers of our country.

Mr Hornblower called them up on the 9th. Mr Earle moved the postponement of them to the next session.

1830. The Legislature re-assembled on the 5th of January.

The MESSAGE of the Governor was presented on the 7th. The first subject noticed, after an allusion to the happiness and prosperity of the State, and the republic, is Education. 'Feeling the importance of extending instruction to all classes of citizens, former Legislatures carefully husbanded the resources of the State, and laid the foundation of a fund which was to be appropriated to that interesting object. This fund was increased by the constant addition of its interest, and occasional appropriations, until the last session of the Legislature, when it amounted to about \$225,000. It was considered at that time advisable to commence a system of common school instruction throughout the State. The sum of \$20,000 was ordered to be appropriated annually for that purpose; and to be distributed among the several townships in proportion to the State tax paid by them respectively — on condition that at their annual town-meetings, they should resolve to raise money in aid of such appropriation.' The operation of the law, owing to difference of opinion as to its construction, &c. has been limited and imperfect, and the education and simplification are retarded.

The evils belonging to the present system on the old plan are noticed in the following statements made.

'New Jersey has paid as much for the support of her Penitentiary, as any other State of the same population. The expense for the last thirty years, inclusive of the cost of buildings, may be estimated at about \$1,000,000. In the year 1828, the cost was \$100,000, and the cost of transportation was \$50,000. At that time, the cost of a single convict was \$1,000, and the cost of a single convict was \$1,000. It is a fact, that the law for the last year, which has been passed, but it is not yet known whether the law will be sensibly improved, or whether the present system.

'It is a remarkable fact, that the prisons lately constructed in New York and

the eastern states, instead of being a loss to the state in which they are situated, are actually yielding a revenue. The new prison at Weathersfield, Connecticut, afforded a profit last year, after paying all expenses, of \$3000. The old one was an expense to the State of \$8000 per annum.'

INTERNAL IMPROVEMENT is next adverted to. New Jersey as a state, has not yet commenced her operations. The Morris Canal is the only prominent work that has been undertaken even by individuals.

'The expediency of constructing a canal through the State to unite the waters of the Delaware and the Raritan, will again come under your consideration. Whether this is the propitious time to commence the work, is the grave inquiry which will be submitted to your reflection.

'The propriety of a Railway from some point on the Delaware near Philadelphia, to a point on the Raritan, near Amboy, will also claim your attention.

'At the last session a law was passed authorizing the appointment of commissioners to treat with the state of Pennsylvania in regard to the use of the waters of the Delaware river. A similar law was passed by the Legislature of that state; and commissioners were appointed by each. The result of their deliberations has been the formation of a compact for the use of the waters above tide, and a recommendation authorizing the improvement of the navigation of the Delaware river below the falls of Trenton, in such manner as to interpose no obstructions to the natural navigation or the passage of fish. Application has been made, in compliance with the wishes of the legislature, for the aid of the general government in making a survey of the contemplated route of the Delaware and Raritan Canal. The engagements of the general department were such as to render it impracticable at that time to effect the object of the application, but the application would be kept in view and claim its attention as soon as circumstances permit. For many years past difficulties have existed between the states of New York and New Jersey, in relation to the eastern boundary of the state. Various efforts have been made by the State of New Jersey to effect an amicable adjustment on such terms as it was conceived, would be safe, honorable and advantageous to both parties. These efforts have failed of success, the alternative was presented, of tamely submitting to the pretensions of

the state of New York, and acknowledging her sovereignty and jurisdiction, up to high water mark on our own shores, or bringing the matters in controversy before the highest legal tribunal of the country. The path of honor and duty was plain; and the Legislature, in March, 1828, passed an act requiring the Attorney General to institute proceedings against the state of New York in the Supreme Court of the United States. A suit has accordingly been commenced on the Equity side of the court, and able counsel have been retained to aid the proper law officer of the state.

'It is a proof of the great wisdom of our forefathers, that a tribunal has been provided, in which the conflicting claims of the different members of the confederacy, may be amicably adjusted; and it is a matter of just pride, that the reputation of that august tribunal for wisdom, integrity and independence, is such as to guaranty to states as well as individuals, a liberal and fearless administration of justice. In such a court our rights will be respected, and there is every reason to anticipate a favorable issue.

'The great number of applications that are made every year to the Legislature for the procurement of laws dissolving the marriage contract has become the subject of unfavorable remark both abroad and at home; — and I beg leave to recommend it to your serious reflection.

'The mode of proceeding in these cases is not favorable to the investigation of truth; and there is reason to fear that in some instances parties come before each other, and make false acknowledgments and declarations for the purpose of furnishing evidence to effect their improper designs.

Among the consequences resulting from the controversy respecting boundaries with New York, was an act which passed the house of representatives of New Jersey authorizing the seizure of persons to fire upon, whose property or territory provided the transgressors refuse to yield themselves to the authority of the state, and to be committed to them.'

Acts were also passed concerning the 'Delaware and Raritan Canal Company,' and 'the Camden and Amboy Rail Road and Transportation Compa-

ny.' The following are the principal features of the bills.

**DELAWARE AND RARITAN CANAL.** — Sec. 1. Subscription books for stock to be opened within six months.

2. Capital \$1,000,000 in shares of \$100. When 5,000 shares are taken the act to take effect.

7. Directors empowered to fill vacancies, appoint all officers and engineers, regulate toll, receipts and expenses, &c.

11. Company may construct a canal from the Delaware to the Raritan, and improve their navigation when necessary. Canal to be at least 40 feet wide at the water line, and the water at least 5 feet deep; to be navigable from the Delaware to a feeder to be constructed so as to form a navigable canal 20 feet wide and 4 feet deep.

12. Directors to cause the company to make all surveys, &c., to survey grounds, &c., as are necessary, making maps, &c.

13. All lands are to be valued, and a justice of the peace of the Supreme Court.

14. Dissatisfactory appeal to the Circuit Court.

15. Directors empowered with respect to entering upon or acquiring land.

16. Bridges to be placed over canal where roads intersect it.

17. Toll shall not be higher than 4 cents per ton per mile on property, nor than 5 cents per mile for each passenger, nor more than half that rate on the feeder. The Company shall not complete the feeder within the time limited, after completion they abandon it, and not keep it in repair for 3 successive years, their charter to be annulled, and the lands to revert in their original owners; provided if New Jersey take possession of it, the title to rest in the state.

18. Route may be altered if the conditions required to be observed are not complied with.

20. The canal to be 40 feet wide at the water line, and the water at least 5 feet deep. The company may acquire land for the purpose of constructing a feeder, and if the feeder is not completed within the time limited, the title to the land shall revert to the original owners.

21. The company may acquire land for the purpose of constructing a feeder, and if the feeder is not completed within the time limited, the title to the land shall revert to the original owners.

25. At the expiration of 30 years from completion, state may cause an appraisal to be made of canal and appendages, the value not to exceed the first cost, thereupon the state shall have the privilege for ten years of taking canal upon payment of the same to the Company.

26. Treasurer to make quarterly turn of the amount of arrears collected, and pay the same to the passenger, and to the other persons mentioned in the schedule, and to the other persons mentioned in the schedule, and to the other persons mentioned in the schedule.

— 2001 —

2. Capital \$100,000 : shares  
When 5000 are taken the effect

11. Directors authorized to borrow money and construct a railroad from the Delaware at Dover to the Cooper's and Newbern roads in Carter county, N. J. to the Madison Ry. with a ferry east of the town of Newry. Road not to exceed 100 miles.

## 12. A Journey to Bordentown

13. 14. 15. Compensation to be made for damages, &c. Bridges to be made

16. Toll not to be more than 8 cents per ton per mile for merchandise, nor 10 cents for passengers. If rail road is abandoned for three successive years, charter to be annulled and land to be sold unless the state take possession.

20. Same privilege to the  
sect. 23 of the canal act.

**21. Rail road to be commenced in two and finished in nine years.**

22. Same provision as sect. 20. National Bank.

23. Treasurer to make special turn of report of passengers and transport of goods in each for each

25  
rail road  
sengers  
which

within three miles of this road, then the payments of sect. 25 not to be required.  
25. 26. This is a public act, &c.

27. Company shall not engage in banking activities.

28. Hall said to be a public highway,  
subject to the

As Act was also passed abolishing imprisonment for debt when the person arrested shall give to the sheriff an inventory of his goods, his real and personal estate, and a bond to appear at the next court of Common Pleas; to take effect on the 1st of January, 1862.

the State, and the Secretary of the Service, and the Secretary of the Service. Among the bills introduced is a supplement to the existing law, reducing the tax on the sale of horses, and the fine to two dollars for non-attendance; the compact between the states of Pennsylvania and New Jersey, relative to the mutual use of the waters of the Delaware for the canal and other purposes; and the bill to prevent horse-racing. This bill in its modified form authorizes two race-courses under particular regulations, one in Monmouth County, and the other in Hoboken, at two seasons of the year.

**July.** THE MORRIS CANAL, which was this year nearly finished, commences near Easton on the Delaware, and passing the flourishing town of Newark, terminates at Jersey city, opposite New York. Its whole length is 100 miles and a half, and the navigable portion, from the Hopatcong lake, is 60 miles. It will have several inclined planes, the chief of which are as follows:—The entire amount expended on this work is \$777,028.71; the company have received for the company for the year of 1838 \$10,400 on account of navigation in excitation, &c, and the balances make an aggregate of \$77,628.71, being chiefly shares of its own stock, &c. &c. payable by stockholders in proportion to their shares. It is calculated to be capable of transporting 300,000 tons of coal, and expected to be more than equal to all the coal very much wanted by the city of New York, &c, &c. and will be a great benefit to the State.

October 1964  
 Ted G. ...  
 The ...  
 G...  
 J...

After the successful completion of the  
 September 1944, the ship at Har-  
 risburg, Pa. was sent to Schulze  
 delivery of the ship.  
 It is finally loaded with the pe-



primary concerns of the State, and statements of the progress made in certain public works undertaken by the authority of the Legislature. By an act of Dec. 18, 1828, the Governor was authorized to effect a loan of \$200,000, which was immediately obtained. By another act in the April following, an additional loan of \$250,000 was authorized, and a commissioner of loans appointed. The commission has obtained but \$100,000 of this amount in the form of a permanent loan, the remainder having been made up by temporary loans procured by the Governor. Besides these, the Governor, at the request of the Canal Commissioners, has obtained another temporary loan of \$106,000. The occasion of this loan was the necessity of continuing the operations on the canal and rail road, and of securing the works against the apprehended injuries of the winter. The Governor recommends that provision be made for the payment of all these temporary loans.

The money obtained under the act of April, 1829, would, says the message, have been sufficient to meet all the demands of the Canal Commissioners, if the vouchers and consequent drafts on the Treasury of some of the acting Commissioners in June last, had not greatly exceeded what was usual or expected. The Governor does not undertake to enter into the reasons for the failure of the loan authorized in April, but expresses his confidence that the funds necessary to complete all the rail roads and canals now under contract, can be had on the most favorable terms, if the Legislature will call the resources of the Commonwealth into the Treasury in such a manner as to inspire confidence in the lender that his interest will be regularly and punctually paid.

The message recommends the appointment of a board of commissioners to superintend the management of roads and bridges in which the State is stock. The companies who have been taken these enterprises have, in various instances, found their resources exhausted, and having involved themselves in debt, the tolls, instead of being a source of funds for repairs and improvements, have become the payment of debts.

Applications for a loan of the Legislature of Pennsylvania are becoming more numerous every year. The message observes that they have probably been acted upon in some instances without sufficient evidence, and recommends

that Courts of Justice be invested with jurisdiction in such cases. An alteration of the law regulating the rights of landlord and tenant, is also recommended, so as to compel the tenant to deliver up possession at the end of the term; and the establishment of a system of free schools is also recommended.

Under the head of ACADEMY AT PITTSBURGH, The Gazette says, with much pleasure we announce, "that the academy near the city is now commencing its annual session, the liberality of the State, and the efforts of the city, have secured to the academy and to the students a most excellent situation. Our citizens, and various foreign gentlemen, have been celebrated for the number of vessels, the first passage of boats over the river."

The message of Gov. Wolf, presented to the new Legislature on the 1st of this month.

His Excellency's subjects are the expenditures of the State, on account of interest on loans, and the means proper to be adopted for meeting them, and for providing a fund for the purpose of education. The Governor expresses his confidence in the ability of the works in which the State is engaged, and lays before the Legislature a view of the actual state of present indebtedness of the Commonwealth. It appears that the whole amount of loans contracted for since the passing of the act of second April, 1821, authorising a loan of \$1,000,000, down to and including the partial delivery loan of \$10,000, under the act of November, 1829, constitute a debt of \$8,286,000; and it appears that the further sum of \$4,000 was borrowed from the Harrisburgh bank, under the last mentioned act; and the sum of \$10,000 from the bank of the Northern Liberties, under the act of 7th December last, which increases the aggregate of the State's debt to the sum of \$12,296,000.

The message also contains a statement of the actual condition of the State's accounts, and of the provisions of the act of November, 1829, for the payment of the interest on the loans. It is stated that the interest on the loans, under the act of November, 1829, amounts to \$100,000 per annum, and that the interest on the loans, under the act of 7th December last, amounts to \$10,000 per annum. The message also contains a statement of the actual condition of the State's accounts, and of the provisions of the act of November, 1829, for the payment of the interest on the loans.





Secretary, Clerks, and contingent expenses. From 1793 to 1820 the Governors received the handsome allowance of \$5333 32, which, we imagine, was in most cases equal in value to the salary of the President of the United States. The Governor now receives \$3000.

**BANKS.**—The Auditor General's report to the Legislature contains the statements of the banks of thirty-two weeks within the Commonwealth.

Capital Stock paid in of	
Bank of North America	85
Bank of the Commonwealth	80
Bank of the State	54
Bank of the City of Philadelphia	85
Contingent fund	02
Dividends unpaid	91
Due to the Commonwealth	27
Bills discounted	50
Specie	81
Notes of other Banks	00
Real estate, Bridge, &c.	26
Loans to Commonwealth	66
Bonds, mortgages, ground rents, &c.	85
Due by other Banks	03
Drafts, bills of exchange, &c.	58
United States Stocks	05
Sundry securities and personal accounts	56

**INTERNAL IMPROVEMENT.**—The Schuylkill canal is 108 miles in extent. It cost about two millions of dollars. In 1828, the revenue derived from tolls on it amounted to 64,000 dollars. In 1829, it amounted to upwards of 100,000. Much of the produce passes through the Pennsylvania and Union canals to the Schuylkill canal, and thence to Philadelphia. The Lehigh canal is 36 miles long. Of the Pennsylvania canal, 212 miles are completed, and the others more nearly finished. The Union canal is 80 miles in length. Between them and three hundred miles of the Pennsylvania canal, the whole of the State is connected by a rail

road. The Schuylkill canal is now in the hands of the Schuylkill Navigation Company.

Amount of goods transported	00
Amount of goods transported	40
Amount of goods transported	98
Amount of goods transported	33
Amount of goods transported	15
Amount of goods transported	33

road. The Schuylkill canal is now in the hands of the Schuylkill Navigation Company.

\$2,361,053 99

## CR.

Amount of goods transported	2,236,937 25
Do, of goods transported and repaired	41,755 06
Do, of goods transported	89,879 24
Do, of goods transported	5,173 46
Do, of goods transported	611 04
Do, of goods transported	36,567 94

The amount of goods received in the year 1828, was	\$15,775 74
1829,	43,108 87
1830,	59,149 74
1831,	87,171 56
1832,	120,089 11

The increase in the coal trade has been greater than in any previous year, being equal to near 70 per cent advance on that of the year 1828. The whole quantity brought down in 1829 was 79,973 tons. The amount of tolls received in 1829 from coal, was \$77,032 And from merchandise, &c, other than coal, 43,007

Making the total amount of tolls in 1829,	\$120,039
The amount of tolls in 1828 having been	87,171

It is shown to be an increase of \$32,868

and to about 33 per cent. Of the tolls of 1829 there arose from the ascending navigation, \$27,003 and for the descending trade, 92,101

Of the tonnage conveyed on the canal in 1829 there was of the ascending trade	112,701
and of the descending trade,	112,701

Making the whole tonnage 225,402 tons. 134 21

Amount of 1828, which was 103,163

**STATE OF PROPERTY.**—Prior to the completion of the Schuylkill navigation this part of the country was considered a barren and mountainous waste, not worthy the attention of capitalists, although it was known that its bowels were well stored with anthracite coal.

Since the completion of the above improvement, the attention of capitalists has been drawn towards it and property has risen in value, within the last five or six years,

at a rate almost unparalleled in this country.

Five years ago, the 'Passack' tract of coal land, belonging to the New York and Schuylkill coal company, was purchased by them for the sum of 9,000 dollars. At the latter part of 1829, it was sold, and bought in by the original seller for the sum of 42,900 dollars.

A tract of 120 acres, on the Broad mountain, was disposed of for the sum of 12,000 dollars, which was bought in the spring of 1829 for 1,400 dollars.

One fourth of another tract of 400 acres on the Broad mountain, has been disposed of for 9,000 dollars, at which rate the whole tract would be worth 36,000 dollars. This tract was purchased about six years ago for 190.

A tract on the west branch sold for 6,000 dollars, which was purchased in the spring for 700 dollars.

Another tract sold for 16,000 dollars, which was purchased for 1,000 dollars.

**MANUFACTURES OF IRON IN AND ABOUT PITTSBURGH.**—There are consumed annually, in the different foundries, rolling mills, and steam engine factories, in and about Pittsburgh, *six thousand tons of blooms, and five thousand tons of pig metal.* These articles are brought principally down the Monongahela and Allegheny rivers.

There are nine foundries, which use about 3,500 tons of pig metal, and employ about 225 hands.

The rolling mills are eight in number, and are now chiefly employed in rolling Juniata blooms, of which they use about 6,000 tons. They also consume about 1,500 tons of pig metal, and employ about 320 hands.

There are nine nail factories, which manufacture daily about 18 tons of nails, and employ about 150 hands.

There are also seven steam engine factories, in which are employed about 210 hands. As yet but three steam engines have been sent east of the mountains, four or five to the northern lakes, and one to Mexico. Within two or three years past, the casting of sugar kettles, sugar mills, and small steam engines, to drive them, for the planters of Louisiana, has become a very important branch of manufacturing business, and is increasing.

In addition to the metal and blooms above mentioned, a large quantity of iron is brought to Pittsburgh from Philadelphia.

**PHILADELPHIA.**—The debt of the city is estimated at \$1,570,371.89. The sinking fund amounts to 367,023—real debt 1,570,371.89. A great part of this

has been incurred in the works to supply the city with good and wholesome water; and the present supply is worth more than all the debt. The interest payable in 1830 will be 104,776 dollars. The taxes in 1829, amounted to \$208,500. The real estate in the city was assessed at 24,202,786 dollars, in 1829, showing an increase of nearly two millions over the assessment of 1826. Square yards of pavement laid in 1829, 79,863, costing about 85,000 dollars.

**WATER WORKS.**—The amount of payments for water last year, was \$81,180 06.

The whole amount of iron pipe laid during the year, including the mains, was 16,543 feet.

The quantity of iron pipes of different diameters laid last year, is nearly 36 miles, which amount to 35 miles of iron pipes, and 1 mile of Fair Mount Works.

The amount raised by loan on account of the water works, last year, was \$100,000.

The whole receipts, independent of the loans, were \$57,793 75, whereof 3,000 00 were for old iron castings and other articles which were sold, and 54,793 75 for water rents, for permits, for fees, for repaving, &c.

Of the sum received, 11,000 dollars were placed to the credit of the Sinking Fund; and 12,706 29 to the credit of the tax fund for the year.

The duplicates of water rents for 1830 amount to \$56,643 39 viz City 37,881 84 Northern Liberties 10,322 75 Spring Garden, 2,410 04 Southwark 6,028 69.

The increase of water rents in 1830 over 1829, is, for Spring Garden 930 00 Southwark 725 75 Northern Liberties 1,200 00 City 2,000 00.

The extent of iron pipes laid in the Northern Liberties last year, was 9,798 feet 3 inches. The whole amount of iron pipes laid in the city, was 16,543 feet.

In the district of the city, 11,000 feet of iron pipe were laid last year, which was more than in any previous year. The number of the pipes which were erected last year, was 11,000.

The number of iron pipes laid in the Southwark district last year, was 2,410 feet. The whole amount of iron pipes laid in the city, was 16,543 feet. The number of the pipes which were erected during the year, was 16,543.



The following Resolutions were adopted January 20th

*Resolved, By the senate and house of representatives of the state of Delaware in general Assembly met, that the tariff of 1828 accords with the spirit of the constitution of the United States and is a protection to home industry from the overwhelming influence of foreign rivalry*

*Resolved, That the foregoing resolution be communicated to the governors of the several states and to the senators and representatives of Delaware in Congress to be laid before the respective legislatures*

tures and also before the two houses of Congress

**June 1830 AGRICULTURAL SCHOOL.** The Education Society of the Episcopal Church in Philadelphia have purchased the Farm of Mr. Hemphill, about two miles from Wilmington, where they mean to establish a *self supporting school*. The pupils will be exclusively youths who are designed for the ministry, the farm, of nearly 100 acres, is to be cultivated by the students, who will be employed in agricultural or other labor at least four hours in the day.

## MARYLAND.

### ELECTIONS October

The members whose names are in Italics are re-elected to the administration of Gen Jackson

	<i>Benjamin C Howard</i>	<i>Elias Broton</i>	<i>Little</i>	John Bailey
City of Baltimore,	4300	1011	3347	2811
County of do,	2006	3132	398	460
	<hr/> 6306	<hr/> 6144	<hr/> 715	<hr/> 3711
	<i>George E Mitchell</i>		<i>James S Mitchell</i>	
Harford	1000		1019	
Cecil	1124		719	
Kent	101		193	
	<hr/> 2225		<hr/> 2531	
	<i>John C Wiems</i>		<i>Condict I Sommes</i>	
Annapolis city	139		164	
Anne Arundel	523		1010	
Prince George	560		713	
	<hr/> 1222		<hr/> 2111	

Without opposition Montgomery and part of Frederick reelected George C. Wilson —

Somerset and Worcester reelected *E. K. Wilson*. Calvert, Charles and St Mary's reelected Clement Dancy

	<i>Richard Spencer</i>	<i>John L. Keir</i>
Queen Ann	803	402
Talbot	512	607
Caroline	562	600
	<hr/> 1877	<hr/> 1611
	<i>M. C. Sprigg</i>	<i>Frederick</i>
Washington	1407	1511
Part of Frederick	1821	1221
Alleghany	413	
	<hr/> 4191	

**Dec. 20.** The legislature met this day at Annapolis.

The Message of the Governor Daniel Martin in session,

An application to the federal govern

ment for a loan to construct a line of Engineers, to connect the Chesapeake Canal, to connect the Chesapeake and Ohio canal with the Delaware Bay at Annapolis, and to ascertain whether such

lateral canal can be constructed without injury to the said Chesapeake and Ohio canal, and for other surveys, has not yet been attended to, owing to the existing engagements of the engineers.

Under the provisions of the law of last session for the education of the *Deaf and Dumb*, at the Institution in Pa. which enacts that there shall be 'one deaf and dumb person selected from each county, and from the city of Baltimore; and in case of reports not being made from some of the counties, additional selections shall be made from the counties reporting the highest numbers, until twenty have been selected: there is yet remaining the number of five, to fill the list. The amount expended for this object within the year, is for salaries \$615 66; for expenses of conveyance \$15 45; the institution \$66.

In conclusion of some remarks on the subject of *Internal Improvement*, the Governor congratulated the general assembly and their fellow citizens, upon the completion of a navigable intercourse between the Chesapeake and Delaware, by the cross-cut canal. 'This stupendous work evinces in the strongest light, the science by which it has been directed, and the energy and perseverance with which it has been executed; and it now bids fair to realize every convenience, profit and natural utility that have been anticipated.

On *public education* we quote these paragraphs. 'When we consider that in Maryland every citizen of consequence and residence, is endowed, as he should be, with the elective franchise, it appears to us to be the imperative duty of the Legislature, to place the means of education within the convenient attainment of all.

'If there be danger in popular elections, as has been conceived by some, the sure correction is to be found in moral instruction.'

'The most judicious improvements made in the management of the penitentiary are good evidence of the wisdom in the management of the institution, which is regularly granted upon public approbation. — Making it possible to be more wisely than ever, classification of criminals, and disposition of them at night. On the 1st of January, the state penitentiary cost a considerable cost to the public treasury, but the expectation is, that the annual report required by law from the directors is here-

with submitted, and affords a gratifying view of the concerns, managements and future prospects of the institution.'

Some *retrenchment* in the management of the affairs of the state is recommended.

The attention of the Legislature is called to the care of the arms belonging to the state, and the following observations are added respecting the militia laws.

'The *Militia System* of the state has become generally inoperative, as the public sense, and public convenience seems to decide against it. — Militia musters as directed by law, have had little effect to make soldiers, or to instruct the citizens in military knowledge. The days allotted to them are rather injurious to the time, the labor and the morals of the community. Such is our situation in relation to all foreign powers, and such has been the precautionary wisdom of the Federal Government, in erecting fortifications and defences on our maritime frontier, that there is little danger of sudden invasion. The law now in existence, imposing penalties for neglect of military duties, and upon those who are conscientiously scrupulous of performing such duties, having become inoperative, it is with great respect submitted, whether they ought not to be repealed, with such a substitution of volunteer corps, and such a general organization of the militia as would annually give a view of the effective force of the state, without the imposition of unnecessary and useless taxation upon the time and industry of the people.'

There appears to be a deficiency in the State Treasury, and the Governor earnestly calls on the Legislature to provide for the financial prosperity and credit of the state.

On the 4th of January the Legislature made choice of Thomas King Carroll, as *Governor of the State* for the ensuing year. Ninetythree votes were taken, of which Thomas King Carroll, received 50, and Daniel Martin 43.

February, 1830. — A select committee of the house of delegates, to which was referred certain communications from the executives of Louisiana, Missouri, Georgia, and Mississippi, made a report on the 8th inst. The committee arrived at the following conclusions, as expressed in the resolution offered:

To agree with Louisiana in extending the presidential term to six years, and



render the president and vice president ineligible afterwards.

To agree with Missouri and Georgia to provide for an uniform mode of electing the president and vice president, by the people, without the intervention of electors, provided the sovereignty of the states be not invaded, and that their present power, as prescribed by the constitution, remains unchanged. A desire is also expressed that the constitution should be so amended as to prevent the choice of a president or vice president from ever devolving on congress.

To disagree with Georgia in her resolutions that congress possesses no constitutional power to aid the colonization society.

To disagree with Mississippi declaring that the tariff of 1828 is unconstitutional, and oppressive; but that a constitutional opposition by those who feel themselves aggrieved, meets entire approbation.

May, 1830. A portion of the Baltimore Rail Road, for several miles, was completed, and opened for various successful experiments. Among these, is the facility of using railways of a curvature not less than 100 feet radius, which late trials have fully established.

The first division of the rail road, now ready for use, is somewhat more than thirteen miles in length, from the south side of Pratt Street, in this city, to the first depot for its use, to Ellicott's Mills. For the first half of the distance, to the valley of the Patuxco, the road is made in many places by embankments, and the rails are laid on sills of wood bedded in broken stone; on the residue of the way to Ellicott's Mills, the rails are laid on blocks of granite.

Near to Ellicott's Mills another interesting and very satisfactory experiment has been made, by constructing part of a second set of tracks, for a short distance, of stone rails laid on stone sills, the iron strap on which the wheels of the cars are to run, being fastened on top of the stone rails. That material (of the very best quality for such a purpose) is abundant along the whole route of the rail road through the valley of the Patuxco. The cost of constructing the stone railway, it is ascertained, does not exceed that of the wooden rails laid on stone sills. Its permanency and other advantages must merit its preference, when the bed of the road is suitable and the stone can be obtained.

Some experiments were made on the road on the 22d inst. In the first car-

riage that passed was the venerable Charles Carroll. The cars, drawn by one horse, traversed the 13 miles in one hour and four minutes.

The cost of the first 13 miles was \$45,000 per mile, but the next 12 is estimated at \$18,000 per mile.

June 10. The Rev. Wm. M. Stone, was unanimously elected by the Protestant Episcopal Convention at Baltimore, Bishop of the Diocese of Maryland.

The Maryland Penitentiary made a profit of about 16,500 dollars, in 1829, after paying all expenses, and also \$2,897 for interest on certain loans made by the state. The average number of the prisoners was 340.

Baltimore. — The entire receipts at the city treasury for the year 1829, amounted to \$29,337 90—including 83,000 dollars borrowed, and about 42,000 on account of damages for opening Lombard and Pine streets—and various disbursements for paving, &c, refunded by the owners of the property benefited &c. What may be called the regular revenue, from taxes, licenses, rents, duties, &c, amounted to less than \$200,000.

The disbursements were less than the receipts in the sum of nearly 10,000 dollars, in the treasury. The following are some of the chief items: expenses of city's poor 17,500—city council about 12,000, nearly 5000 on account of former years—other expenses of jurors, prosecution, courts and jail, about 12,000—watching and lighting the city 2,713—interest paid on stocks 21,950—salaries about 31,000—Baltimore and Ohio rail road instalments 75,000—to contain accounts of finance for reduction of the city debt 16,798—deepening and preserving the harbor 25,257—fire companies 4,990—damages for opening Lombard and other streets &c, 40,752—dues of the city council 4,200—rent of offices, council chamber, &c, 400—extending Bowley's wharf 4,000, &c, &c.

Bills of mortality for the year 1829. Total interments in the year 1829—985 males and 864 females, of whom 529 were colored persons—223 and 100 slaves. The free colored persons, by the census of 1820, were 10,000 and slaves 4,857.

There died in January 1829, 136; March 174; April 161; May 206; June 184; July 184; August 184; Sept. 184; Oct. 114; Nov. 124; Dec. 124. Age—still born 100; under 1 year, 426; between 1 & 2, 100; 2 & 3, 107; 3 & 4, 100; 4 & 5, 100; 5 & 6, 100; 6 & 7, 100; 7 & 8, 100; 8 & 9, 100; 9 & 10, 100; 10 & 11, 100; 11 & 12, 100; 12 & 13, 100; 13 & 14, 100; 14 & 15, 100; 15 & 16, 100; 16 & 17, 100; 17 & 18, 100; 18 & 19, 100; 19 & 20, 100; 20 & 21, 100; 21 & 22, 100; 22 & 23, 100; 23 & 24, 100; 24 & 25, 100; 25 & 26, 100; 26 & 27, 100; 27 & 28, 100; 28 & 29, 100; 29 & 30, 100; 30 & 31, 100; 31 & 32, 100; 32 & 33, 100; 33 & 34, 100; 34 & 35, 100; 35 & 36, 100; 36 & 37, 100; 37 & 38, 100; 38 & 39, 100; 39 & 40, 100; 40 & 41, 100; 41 & 42, 100; 42 & 43, 100; 43 & 44, 100; 44 & 45, 100; 45 & 46, 100; 46 & 47, 100; 47 & 48, 100; 48 & 49, 100; 49 & 50, 100; 50 & 51, 100; 51 & 52, 100; 52 & 53, 100; 53 & 54, 100; 54 & 55, 100; 55 & 56, 100; 56 & 57, 100; 57 & 58, 100; 58 & 59, 100; 59 & 60, 100; 60 & 61, 100; 61 & 62, 100; 62 & 63, 100; 63 & 64, 100; 64 & 65, 100; 65 & 66, 100; 66 & 67, 100; 67 & 68, 100; 68 & 69, 100; 69 & 70, 100; 70 & 71, 100; 71 & 72, 100; 72 & 73, 100; 73 & 74, 100; 74 & 75, 100; 75 & 76, 100; 76 & 77, 100; 77 & 78, 100; 78 & 79, 100; 79 & 80, 100; 80 & 81, 100; 81 & 82, 100; 82 & 83, 100; 83 & 84, 100; 84 & 85, 100; 85 & 86, 100; 86 & 87, 100; 87 & 88, 100; 88 & 89, 100; 89 & 90, 100; 90 & 91, 100; 91 & 92, 100; 92 & 93, 100; 93 & 94, 100; 94 & 95, 100; 95 & 96, 100; 96 & 97, 100; 97 & 98, 100; 98 & 99, 100; 99 & 100, 100.

30 & 40, 188; 40 & 50, 176; 50 & 60, 122; 60 & 70, 87; 70 & 80, 65; 80 & 90, 32; 90 & 100, 6—1 of 102, and 2 of 103 years.

INSPECTIONS at Baltimore, for the year 1829—

473,156 bbls. and 14,920 half bbls. wheat flour; of the barrels 235,781 were what is called 'Howard street,' 212,927 'city mills,' and 21,438 Susquehannah. 'Howard street' flour takes up all, or nearly all, brought to the city in wagons; except parcels from the 'city mills.'

12,777 bbls. and 48 half bbls. rye flour;

1,609 hhds and 6,483 bbls. corn meal, 417 hhds. flaxseed;

4,509 bbls. and 253 half bbls. beef—all Baltimore packed, except 168 barrels;

4,453 bbls. and 142 half bbls. pork—2,514 Baltimore packed, 1,939 foreign;

5,861 kegs butter;

14,590 do lard;

6,998 hhds. and 46,682 bbls. whiskey—about 2,200,000 galls.—of which 5,911 hhds. and 6,216 bbls. were received from the Susquehannah;

14,979 hhds. tobacco;

## VIRGINIA.

1829 CONSTITUTION. The Constitution of this state was made about the same time that the declaration of independence was made by the United States in 1776, and was framed rather with the view of supplying the state with a government in a time of emergency, than of giving it the best possible form. Certain defects were discovered in the lapse of years, and although objections were urged against any change, the obvious inequality and injustice of some of its provisions had excited a feeling of dissatisfaction in various parts of the state, which every succeeding Legislature found it more difficult to resist. Several ineffectual attempts were made to authorize the people to call a Convention to amend the Constitution. The Legislature which held its session in 1828-9, at first adopted an act dated February 10th 1829, authorizing a Convention to assemble at Richmond, on the 1st Monday of October following, to revise and amend the Constitution. For this purpose the state was divided into 24 districts, each of which, elected four delegates, who formed the Convention at the time designated, and on motion of James Madison, James Monroe was appointed the President of the Convention, who was conducted to his seat by the venerable mover and John Marshall, Chief Justice of the U. States. One of the chief defects in the Constitution, was the inequality of representation to the Legislature, each county, whatever might be its population, sending the same number of delegates.

The inequality of the present mode of electing delegates to the general assembly, is more fully estimated from the table showing the taxables in each county. Many of the counties, and especial-

ly those in the valley, or westward, contain from 1,500 to 2,000 taxables—while many in the eastern part of the state, having the same power of representation, have less than 400 taxables—one, Warwick, only 126.

The following is a statement of the number of persons in each county and corporate town, within the commonwealth, charged with state tax, for the year 1828, on moveable property, furnished by the auditor in obedience to a resolution of the convention:—Accomac, 1106; Albemarle, 1541; Alleghany, 306; Amelia, 549; Amherst, 882; Augusta, 1942; Bath, 441; Bedford, 1811; Berkeley, 917; Botetourt, 1405; Brooke, 738; Brunswick, 857; Buckingham, 1141; Cabell, 403; Campbell, 1174; Caroline, 1024; Charles city, 331; Charlotte, 983; Chesterfield, 1169; Culpepper, 1538; Cumberland, 724; Dinwiddie, 883; Elizabeth city, 277; Essex, 529; Fairfax, 904; Fauquier, 1423; Fluvanna, 571; Franklin, 1345; Frederick, 1791; Giles, 602; Gloucester, 523; Goochland, 682; Grayson, 814; Greenbrier, 1076; Greensville, 360; Halifax, 2031; Hampshire, 1306; Hanover, 1082; Hardy, 863; Harrison, 1849; Henrico, 589; Henry, 507; Isle of Wight, 800; James city, 217; Jefferson, 877; Kanawha, 881; King and Queen, 773; King George, 362; King William, 591; Lancaster, 364; Lee, 751; Lewis, 820; Logan, 338; Loudoun, 1914; Louisa, 1051; Lunenburg, 788; Madison, 619; Mason, 797; Mathews, 395; Merkleburg, 1325; Middlesex, 251; Monongalia, 1703; Monroe, 1011; Montgomery, 1364; Morgan, 304; Nansemond, 542; Nelson, 787; New Kent, 437; Nicholas, 412; Norfolk county, 1168; Northumberland, 497; Northampton, 456; Nottoway, 528; Ohio, 1263;

Orange, 516; Patrick, 736; Pendleton, 890; Pittsylvania, 1995; Pocahontas, 897; Powhatan, 518; Preston, 644; Prince Edward, 920; Princess Anne, 904; Prince George, 536; Prince William, 684; Randolph, 557; Richmond county, 830; Rockbridge, 1397; Rockingham, 1906; Russell, 875; Scott, 784; Shenandoah, 2026; Southampton, 1112; Spotsylvania, 722; Stafford, 652; Surry, 452; Sussex, 798; Tazewell, 692; Tyler, 502; Warwick, 126; Washington, 1332; Westmoreland, 468; Wood, 702; Wythe, 1300; York, 818; Williamsburg, 128; Richmond city, 1623; Norfolk borough, 639; Petersburg, 649; Lynchburg, 351; Fredericksburg, 245; Winchester, 139; Staunton, 110. Total, 35,593.

In the foregoing enumeration, persons of every age and color, and of both sexes, are included.

A warm and animated contest ensued, as to the propriety of making any and what amendment in this particular, and it was not until after many close divisions, that the question was settled.

On the question whether the basis of representation in the house of delegates, should be the number of white inhabitants, or the federal principle, which adds to that number 3-5 of the slaves within the district, the vote stood 49 to 47. The members of the eastern counties were resolved not to part with the power of governing the state, and those from the west, as determined not to submit to the existing inequitable mode. The Convention was several times apparently on the point of breaking up without finishing its business.

Finally, a compromise took place, the political power however, being carefully secured to eastern Virginia, and an amended Constitution was adopted on the 14th, of January, 1830, by a vote of 55 Ayes to 40 Nays.

The next day after the Constitution had been enrolled and signed, Mr John Randolph rose and moved that the Constitution be submitted to the freeholders only, for ratification or rejection.

This was rejected Ayes 23. Nays 66.

The following is an abstract of its principal provisions.

By the first article, the declaration of rights, adopted by the State of Virginia, June 12th, 1776, is retained without amendment.

The second article declares, that the Legislature, Executive, and Judiciary Departments, shall be kept distinct, and that no person shall exercise the powers of more than one at a time, except in

the case of Justices of the County Courts, who may be eligible to the Legislature.

The third relates to the legislative power.—There is to be a General Assembly of Virginia divided into two houses, the Senate and the House of Delegates. The House of Delegates is to be composed of 134 members, annually elected, of which 31 shall be chosen by the twenty-six counties lying west of the Alleghany Mountains; 25 by the fourteen counties lying between the Alleghany and the Blue Ridge; 42 by the twenty-nine counties, lying east of the Blue Ridge and above tide-water; and 36 by the counties, cities, towns, and boroughs, lying upon the tide-water.

The following is a specific enumeration of the counties, towns, and boroughs, by which the choice of delegates shall be made. The Senate is to consist of 32 members, of whom thirteen are to be chosen by that part of the state lying west of the Blue Ridge, and nineteen by that part of the state lying east of it. For the purpose of electing the Senate, the state is divided into three districts. To keep up this Assembly by rotation, the districts are to be equally divided into four classes, and numbered by lot. At the end of one year after the first general election, the eight members elected by the first division shall be displaced, and the vacancies thus occasioned, supplied by a new election. This rotation to be applied to each division according to its number, and continued in due order annually. The Legislature is to re-apportion once in every ten years the representation in both houses, provided that the number of Delegates from the four great districts above mentioned, and the number of Senators from the two great districts respectively be neither increased nor diminished. After the year 1843, however, the Legislature shall have authority (two thirds of each house concurring) to make such a re-apportionment as to increase the number of Delegates to be chosen, and the number of Senators to be elected, with respect to the apportionment of the representatives in Congress among the several counties, cities, towns, and boroughs of the state, it is directed that no change be done by the same authority.

The fourth article relates to the apportionment of the members of the House of Delegates. It is directed that the five members to be chosen from each of the five great districts, shall be retained for

which they are elected, and freehold voters. Persons holding lucrative offices, ministers of religion, and priests, are excluded from the legislature. The members are to be compensated from the treasury, but no law increasing the compensation is to take effect till the end of the next annual session, and no member can, during the term for which he is elected, accept any lucrative office created by the legislature during such term, or the emoluments of which have been increased, except such offices as may be filled by elections by the people. The two Houses are to meet every year; a majority of each is to constitute a quorum, neither is to adjourn for more than three days without the consent of the other—nor to any other place.—There are several other provisions concerning on the two houses the usual powers of legislative bodies. All laws are to originate in the House of Delegates. The writ of Habeas Corpus is in no case to be suspended. No bill of attainder, *no ex post facto* law, no law impairing the obligation of contracts, taking private property without just compensation, abridging the freedom of speech or the press, prescribing any religious test, levying taxes for the support of public worship, giving peculiar privileges to any religious denomination, or molesting any person in any manner on account of his religious opinions, is to be passed by the legislature. The General Assembly is empowered to disqualify persons hereafter in any way concerned in a duel, from holding any public office. The Governor, the Judges, &c., are impeachable by the House of Delegates before the Senate, and may be convicted by the concurrence of two thirds of the number present, the Senate being on oath. The judgment in cases of impeachment is to extend only to removal from office and future disqualification, leaving the punishment of the offender to the usual process of law.

Every white male citizen, of full age, the proprietor of a freehold of the value of twentyfive dollars, or of a reversion or remainder in fee of the value of fifty dollars, or of a leasehold estate for a term not less than five years, of the annual rent of twenty dollars, or who for twelve months next preceding the election has been a house-keeper and head of a family, having paid taxes, shall be entitled to vote for members of the legislature, in the county, city, town, or borough, where such land may lie, or such house-keeper may live. Insane persons,

paupers, seamen or soldiers of the U.S. service, and persons convicted of any infamous offence, are not entitled to vote. In all elections, the votes are to be given openly, or *viva voce*, and not by ballot.

The fourth article relates to the Executive power, which is vested in a Governor and a Council of State composed of three persons, each eligible by joint vote of both Houses of the General Assembly. The Governor is to be a native of the U. States, or a citizen at the time of adopting the federal constitution, 30 years of age, and a citizen of the Commonwealth for five years previous to his election. His salary, to be fixed by law, shall not be increased or diminished during his term of service. He is to hold his office for three years, and to be ineligible for the next three. He is to be Commander-in-Chief of the forces of the State, to convene the Legislature, to propose public measures by message, grant pardons, fill vacancies *pro tempore* during the recess of the Legislature, in offices to which the Legislature has a right to appoint, &c, &c. The members of the Council of State are to hold their offices for three years, and one is to be chosen every year. The Governor is to consult them before exercising any discretionary power, and their advice is to be registered in a book kept for that purpose. The senior Councillor is to be the Lt. Governor, and to act as Governor in the death or absence, &c, of that officer.

The fifth article vests the Judicial power in a Supreme Court of Appeals, in such Superior Courts as the Legislature may establish, in County Courts and in Justices of the Peace, the jurisdiction of all which tribunals is to be regulated by law. The Judges of the Supreme Court of Appeals, and of the Superior Courts, are to be elected by a joint vote of the two Houses of Assembly, who are to receive adequate salaries, which are not to be diminished during their continuance in their stations, and who are to hold their offices during good behaviour, or until removed by a concurrent vote of two thirds of the two Houses, for causes which are to be entered on the journal of each House, and of which due and timely notice is to be given. The present Judges of the Supreme Court of Appeals, General Court, and Supreme Courts of Chancery are to continue in office only until the end of the first session of the Legislature, under the new Constitution. No law abol-

ishing any Court shall deprive a Judge of his office, unless two thirds of the members of each House present concur in it, but he may be assigned other duties. The Legislature may also erect Corporation Courts, and create Corporation Magistrates and Justices of the Peace. Sheriffs and Coroners are to be appointed by the Governor on recommendation of the County Courts, Constables by the Justices, and Attorney General by vote of the two Houses, during whose pleasure he is to hold his office.

The sixth article directs that the Treasurer of the commonwealth shall be annually appointed by a joint vote of the two Houses.

The seventh and last article provides for the continuance in office of the present Governor and other officers, until their successors are elected under the new Constitution, and for the maintenance of the Courts of Justice in their present jurisdiction until otherwise organized by the Legislature.

By the order of the Convention, the amended Constitution was submitted for acceptance at the ensuing April election, to the voters qualified to vote for members of Assembly, and the vote was as follows

	For.	Against.
Trans Alleghany district,	2,123	11,289
Valley district,	3,812	2,097
Middle district,	12,117	1,086
Tide-water district,	7,673	1,091
	26,055	15,563

So the Constitution was ratified by a majority of 10,492 votes, and went into operation according to its provisions.

October, 1829.—One of the cotton factories in Wheeling, commenced operations in 1825, with 500 spindles. It now runs 2100 spindles, and consumes about 500 bales of cotton per annum. The machinery is driven by steam. This was the first cotton factory erected in Virginia.

The Point Cotton Factory is situated upon the point of land at the confluence of Wheeling creek with the Ohio river. At this factory there is at present made from 3 to 4000 lbs. of cotton yarn weekly, with 1000 spindles.

December, 1829. MEETING OF THE LEGISLATURE.—This body met in Richmond on the 7th inst. In the Senate, Wm. C. Holt, Esq. was appointed Speaker, and Addison Hansford, Clerk. Linn Banks, Esq. of Madison, was chosen Speaker of the House of Delegates, and George W. Mumford, Clerk.

The Message of the Governor was presented on the same day. The document opens with acknowledgments for the general health and prosperity of the State during the year, and especially that it has pleased God to bless them with plentiful crops, particularly of Indian corn, which has been unusually abundant throughout all parts of the Commonwealth.

The only political event of prominence during the year, has been the call of the Convention now sitting. The sum of \$6,000, borrowed from the Literary Fund, together with other previous appropriations, has been invested in books for the Public Library, on advantageous terms. A correspondence has been commenced by the Executive, under a late law of the State, with the General Government, on the subject of certain *Reserved Lands*, which is submitted to the Legislature. The attention of this body is again called to the subject of the *Census* of the State, which is reported to have been so imperfectly taken, that Virginia is supposed to have lost one member in Congress, to which her population rightly estimated would entitle her. 'The peculiar situation in which Virginia is now placed,' the Governor conceives, render measures to prevent any such oversight in the approaching census of particular necessity. Investments have been made in behalf of the *Washington Monument Fund*, with a view to provide for the original object of the appropriation.

'During the last summer, a spirit of dissatisfaction and insubordination was manifested by the *slaves*, in different sections of the country, from this place to the seaboard, and in consequence of misrepresentations and exaggerations in relation thereto, considerable excitement and alarm were produced in a few neighborhoods. For the purpose of quieting the apprehensions to certain portions of the country, it was deemed advisable, upon the requisitions of the Colonels of several regiments, and of other persons, to furnish certain volunteer companies of the militia with arms. A plan for a still further extension of the supplies of *arms to the militia*, in certain portions of the State, had been, and was at that time, under the consideration of the Executive, and was subsequently adopted. This plan has been only partially successful. The great difficulty on any plan for furnishing the militia with arms, arises from the necessity of providing adequate means for securing their safe

preservation and return when called for; and without some competent provision for this object, it is deemed better that the arms remain in their present state of safe keeping and preservation. And I take pleasure in stating, that their present condition is reported to me to be as good as it can be.'

The condition of the *Treasury* is represented as highly prosperous; and notwithstanding the very large and enormous sums of money drawn from Virginia, and expended in other States, through the unconstitutional, unjust, unwise, and ruinous tariff acts, the revenue has been paid into the Treasury with the usual punctuality. The balance in the Treasury on the 27th Nov. 1829, after defraying the extraordinary expenses of the call of a Convention, up to that time, is greater by \$35,000, than in the preceding year; it being in the former case \$324,688 17, and in the latter, \$359,552 91.

The *Penitentiary establishment* is much improved; and the Governor points out as a subject of consolation to every philanthropist in the State the improved and improving moral condition of society, and the beneficial effects of prison discipline, as evinced through the decreasing convictions for penitentiary offences. On the 30th day of Sept. last, there were in the Penitentiary 128 white convicts, one of whom was a female; of this number 82 were natives of Virginia, and 46 of other States and foreign countries. On the 30th of Sept. 1828, there were 135 white males and two white females, showing a decrease of nine within the two last years. Since introducing the regulation for solitary confinement for three months immediately before discharge, not a single convict, who has undergone such punishment, has been returned for a second offence.

The Governor adds with emotions both of pride and pleasure as a Virginian, that another year has passed by without a single conviction of a white female for a penitentiary offence; making the whole time above 5 years since any such conviction has taken place in Va. There is now but one solitary case of the confinement of a white female in the Penitentiary, and it is submitted to the General Assembly, whether it is not due to the unexampled morals, virtue, and good conduct of the females of Virginia, as demonstrated by this view of the condition of the Penitentiary, that that unfortunate, solitary convict should

be pardoned of her offences and set at liberty." The number of solitary cells has been so increased as to be equal to the necessities of the case, and other local improvements effected.

The attention of the Legislature is called to the Act which authorizes the *Punishment of Stripes* for petty larceny offences. Thus the Governor considers disproportionate to the offence, repugnant to the general feeling of the people, and from its character of public ignominy, tending more to confirm vice than to produce reform.

Accounts of the fund for internal improvement, for the year ending 30th November, 1829,

The permanent funds in stocks, are stated at	\$1,118,961 11
Disposable funds, in do.	681,630 00
	<hr/>
	2,100,591 11
Disposable funds, in cash, balance in the treasury	11,269 62
	<hr/>
	2,111,860 73

The estimated receipts in the year ending the 30th Nov. 1830, including the dividends on bank stocks, or different companies in which the commerce is interested, and the receipts on account of the James river company surplus fund, are \$110,386 41—which added to the balance in the treasury on the 30th Nov. 1829, will amount in all to \$121,656 03.

The estimate of the probable disbursements during the same period, is \$98,023 83—leaving a probable balance in the treasury 1st Dec. 1830, *unless previously appropriated and disbursed*, of \$26,632 20.

*January, 1830.*—On the 9th inst. Gen John Floyd, was elected governor of Virginia, by the legislature. The votes were, for Gen. Floyd, 140; for P. V. Daniel, 66; scattering 7.

*February 16.*—Gov. Giles transmitted to the legislature, a correspondence between the Mayor of Boston, and the Mayor of Savannah, by which it appeared that a free black living in Boston had caused a pamphlet of a seditious character to be published and circulated among the slaves.

The house of Delegates under the excitement of the moment, passed a bill by a vote of 81 to 80, prohibiting blacks whether free or slaves from being taught to read or write and all assemblages for such purposes. This bill was however rejected by the Senate, 7 Ayes, 11 Nays,

**May, 1830. HIDDEN TREASURES.**—About the middle of this month some slaves of the Rev. Mr Kennerly, while blowing rocks on his farm, near White Post, discovered gold coins of the value of \$240, in joes, halves, and quarters. — 'The farm was formerly the residence of Lord Fairfax, and the gold was doubtless deposited by some of his family in the place where it was found. It is remarkably pure, of very ancient mould, and is not in the slightest degree corroded by its long confinement in the earth. Many of the pieces are clipped and plugged: that is, parts had been cut off, by which the weight was reduced below the standard, and the same quantity afterwards inserted elsewhere in the coin to restore the weight in consequence of a law of England inflicting a severe penalty upon any person having light coin in his possession. The amount, after exchanging it for bills, was divided by Mr Kennerly, among the slaves who had found it.'

**June.** Dr White, of Spottsylvania county, recently sold a thousand acres of poor land for \$30,000, on account of the *gold* found on it. He would have sold it for \$3 an acre a few years ago.

**TOBACCO.**—Amount of inspections in Virginia for the year ending 30th Sept. 1829.

	<i>Passed.</i>	<i>Refused.</i>	<i>On hand.</i>
Richmond	7,970	4,626	9,405
Manchester	812	340	154
Petersburg	1,901	2,407	251
Lynchburg	10,981	1,946	706
Farmville	2,185	1,174	30
Others, sup'd	1,500	300	
<b>Total 1829</b>	<b>25,349</b>	<b>10,793</b>	<b>10,546</b>
1828	28,647	16,503	10,474
1827	35,093	12,962	10,717
Export of tobacco from Virginia for the year ending 30th Sept.			
1829		22,850 hhd.	
1828		29,854	
1827		35,182	

## NORTH CAROLINA.

**Nor. 1829.** The *Legislature* met on the 16th inst. at Raleigh. Bedford Brown, Esq. of Caswell, was chosen Speaker of the Senate; and Samuel F. Patterson, Principal Clerk. Wm. J. Alexander, of Mecklenburg, was elected Speaker of the House of Commons; and Pleasant Henderson, Chief Clerk.

The Message of Governor Owen was presented on the following day. The first subject noticed, is the *Internal Improvement* of the State. His Excellency holds that it is their duty to pursue this great work; and, if their system is defective, as it appears to be, to apply a remedy; or if a candid and thorough examination shall show that the means of the State are incompetent to such a work, to abandon it until their hands are strengthened.

The question is asked, why so much expense has been sustained in examinations and surveys, and so little is done to turn these preparations to account. In answer, the want of an 'effective force continually at the disposal of the State,' is mentioned; and to acquire this, the State must hire or purchase it. Individual experience (says the Governor) shows that the former alternative will not answer expectation; but, as individuals by the purchase and employment of slaves, make valuable improvements, and become wealthy, the State may do the same.

'If in the more healthy parts of the State, labor of a different kind may be advantageously employed, in the construction of roads, or the improvement of rivers, it is very evident that in those sections where our most valuable unappropriated lands lie, slaves constitute the only effective force—with them our swamps must be drained, and our rivers opened, or the former remain the abodes of noxious animals, and the latter, a mere apology for navigable streams. Such is the demand for slave labor, they cannot be had for hiring, without great sacrifice, and those hired for short periods cannot be properly disciplined. To employ white laborers to drain our swamps, cannot succeed—they have not the physical ability:—there cannot be found a single instance in the low countries of the Southern States, where even a farm on an extensive scale has been cleared and cultivated by this species of labor, and the most liberal wages cannot effect it. It is evident, then, from a moment's reflection, that the state is reduced to the necessity, of either giving up all pretensions to improvement upon a large scale, or to make an appropriation to purchase laborers commensurate with the work to be performed, and to cease to think of employing any longer, a species of force, which both public and private experience, demonstrate to be unfit.'

By pursuing the plan recommended, the millions of acres of the lands of the State, it is believed, may be made valuable; and North Carolina, by the progress of Internal Improvement, become full of wealth and happiness.

The next subject noticed is *Education*. His Excellency commends the wisdom and liberality that established the University of North Carolina; 'the only monument of learning within the State, to which the eye of the stranger or citizen patriot, may be directed with any emotions of pride and patriotism.' To perfect and give permanency to this institution much remains to be done, and interposition and patronage are particularly demanded at the present time. A loan to the institution of certain moneys appropriated for the establishment of a literary fund, but not yet invested, is recommended.

The advantages and importance of education in general are next presented to notice, and the adoption of a system of public education is urged on the attention of the Legislature.

It is submitted whether some measure should not be adopted preparatory to the profitable investment of the large amount of funds owned by the state in its *Banking Institutions*; and for enabling these to close their concerns before the expiration of their charters in 1835; and it is suggested, that the number of directors in these incorporations should be lessened, and that the State Bank be permitted to close its concerns, by discontinuing its branches alternately, at intervals of not less than nine months.

Some improvements in the *Judicial System* of the state are recommended; and for the better guidance of the Executive in respect to applications for pardon, so often made, as well as more correctly to impress the public mind, it is suggested that when a criminal petitions for pardon, he shall present an abstract of the evidence in his case, prepared by the presiding judge, whose duty it shall be to furnish it.

The measures that have been taken for improving the *Navigation* of the *Cape Fear River*, by removing the obstructions made below Wilmington in the revolutionary war, are next adverted to. Congress on application, appropriated \$20,000 for this object, and the work is now going on exclusively under the direction of the General Government. Of a similar character, is the improvement of the navigation of Ocracoke Inlet, for

which appropriations to the amount of \$41,000 have been made by Congress.

These improvements will be of essential benefit to the state and particularly to Wilmington and Newbern, and there is no doubt of their being fully accomplished, now that they have been so favorably commenced. A still more important work, demanding the attention both of the Legislature and the General Government, is the opening a communication from the Albemarle Sound to the Atlantic Ocean. As evidence of the national importance of the measure proposed, and to show the encouragement the state has to expect the aid of Congress in its execution, the Governor quotes as follows from the language of the Board of Engineers of the United States. 'If the plan be carried into execution, whether we consider the profits of commerce, the dangers of shipwreck, pursuit by an enemy, or convenience as a point of departure and refreshment for our privateers and vessels of war, a harbor will be formed precisely in that part of the coast where it is most needed.'

To divert the commerce growing out of the rich and abundant products of the territory watered by the *Yadkin* from passing to its ultimate destination through foreign ports, and to concentrate, as far as possible, the wealth of the state, it is with much earnestness recommended that a communication be established between the *Yadkin* and the *Cape Fear*, either by a well finished turnpike or rail road; and to try the practicability and utility of the latter project, the propriety of constructing such a road from Fayetteville to the river, at Campbellton, is again submitted.

The attention of the legislature is called to the subject of the management and disposal of the *lands* lately acquired by extinguishing the Indian title, lying principally in the county of Macon. It is believed that on some of those lands there are valuable deposits of the precious metals, and it is submitted, how far it may be promotive of the public good, and compatible with the principles of the Government, to secure to the state 'an interest in all the mines and minerals which now are, or may hereafter become the subject of entry.'—Should this be determined on, a suitable survey by qualified commissioners, is recommended.

The *Militia System* is taken up, as requiring amendment. If made to embrace, as originally by the Act of Con-



gress of 1792, all free white males between the ages of 18 and 45, it provides for a force quite unnecessarily large; and imposes a weighty and useless burden on the State. No important improvement in the system, it is thought, can be made, until a new organization is adopted by Congress. 'This view of the subject seems to have been so generally taken by the most eminent military men of the country, as to have established it, so far as their concurrent testimony will go, as true; and that the militia laws, as generally enforced and observed in the middle and southern states, instead of advancing the military art, is productive of a contrary effect, by engendering vicious habits, encouraging intemperance, and, consequently, a spirit of insubordination.'

## FINANCES.

Balance of cash in the treasury 1st Nov. 1828.	\$93,313 50½
Product of taxes	2,208 81½
Of the executors of John Haywood, (late treasurer),	1,599 26
Balances — sales of land near Raleigh	1,291 37
Of J. McRae, money loaned	2,000 00
Bonds for sale of lands and negroes	9,581 60
Rent of public land	100 00
Interest	532 93
	<hr/> 17,403 97½
Tax on bank of Newbern, 1 per centum on the stock	6,182
Cape Fear	5,928
Dividend on stock, state bank 2½ per cent for 12 mo.	6,910
Cape Fear — 4 per cent,	40
Newbern 4 per cent,	620
	<hr/> 7,570 00
Buncombe turnpike company	400
Amount of taxes received of sheriffs, the revenue of 1828, payable in the treasury 1st October, 1829, and not otherwise appropriated,	64,337 55
	<hr/> 195,165 12½
An aggregate of	195,165 12½
Deduct disbursements at the treasury from the 1st of	

November, 1828, to the 1st of November, 1829, for which vouchers have been delivered to comptroller, and by him allowed, 121,151 00

Showing the balance of cash remaining in the public treasurer's hands to the first of Nov. 1829, to be \$74,014 12½

The disbursements during that period, and thus deducted, consist of the following items:

General assembly	39,704 63
Executive department	3,016 77
Treasury department	2,606 25
Comptroller's department	1,278 70
Department of state.	1,374 50
Adjutant general's office	223 05
Public printers	900 00
Executive council	87 00
Judiciary	23,878 51
Arsenal	200 00
Sheriffs for settling taxes	937 50
Congressional elections	527 31
Electoral elections	1,396 07
Electors	391 47
Repairs of state house	279 47
Public library	112 50
State bank of N. Carolina for deferred payment	3,356 21
Pensioners	840 00
Miss Udney M. Blakely	600 00
Surveying and selling Cherokee lands	1,165 50
Romulus M. Saunders, commissioner	47 48
Roanoke Navigation Company 1st, 2d and 3d instalments, as directed to be paid by resolution of 1825	15,000 00
Governor's house	748 50
Expenses for surveying and selling land and negroes of the late public treasurer	3 00
Contingencies	4,176 31
Treasury notes burnt	17,781 89
Money burnt	130 35
Bogus banks	18 00
	<hr/> \$121,151 00

The *internal improvement fund* shows an aggregate of \$21,289 70½ — of which 6,559 00 remained from the last year. The disbursements of the present amounted to \$12,949 22½ — balance on hand 8,440 48. This fund is made up of dividends in certain shares of bank stock specially appropriated, and sales of certain lands that belonged to the Cherokees.

The *literary fund* shows a general

aggregate, in hand, of 17,029 244—a small balance of the agricultural fund being added to it.

**January, 1830.**—The *Legislature* adjourned *sine die*, on the 8th inst. after a session of 54 days. Among the acts passed was one respecting the crime of Bigamy. It alters the punishment from death, to imprisonment, branding and whipping.

The Legislature of this State at the session of 1829-30, also authorized the Superior and County Courts to declare bastard children legitimate upon the petition of the putative father, but the effect of the legislation is only to enable the child to inherit the real estate whereof the father may die, seised and to entitle him to a child's share of the personal estate, and to impose upon the father all the obligations of a parent towards his lawful children.

It also by resolution, requested the attention of Congress to the offence of attempting to sell a forged order or draft upon the U. S. Bank—an offence which had not been provided for in the act of incorporation.

**March.** On the 28th of this month, the Court House of Hartford Co. was destroyed by fire, with all the records contained in it.

**NEW FOSSIL DISCOVERIES.** A short time since workmen employed in searching for gold, discovered three posts just at the top of the slate formation, and below the stratum of flint rocks [quartz:] which contains the gold. These posts were sunk perpendicularly in the slate, and about four feet from each other, in a triangular position. They were dug up and examined, and found to be of post oak timber, about four feet long and ten inches in diameter; the lower ends were sharpened, while the upper evidently appeared to be sawed off transversely; in the sides were mortise holes, together with the marks of an axe, too apparent to be mistaken. From the position in which these posts were found, it would seem that they had formed the legs of a rude table or bench, at some former period. In proof that no modern cause could have placed them where they have now been found, the ground is elevated and near the creek, and beneath any alluvial deposits of soil: yet when and by whom they were placed, must for the present remain a subject of inquiry and speculation. At many other mines sticks of timber and logs have been found, in and on the slate formation, together with a variety of articles, formed by art, such

as Indian pottery, Indian arrow points, (made of flint), and pieces of wood in various shapes.

**THE GOLD MINES.**—From the slight experiments made during last summer, the prospects of a rich deposit of gold in Rowan, were apparently as good as in any part of the State; but from a lack of enterprise, and other concurring obstacles, the experimental labors were entirely suspended for a period of seven or eight months. But some new mines having been this spring discovered, and a better spirit infused into the proprietors of those opened last season, the operations at the Rowan mines have been commenced afresh with the prospect of realizing fair profits in the business.—Among other new discoveries, is a vein mine, on the land of Williamson Harris, Esq. which promises to rival the rich veins in Mecklenburg.

In Davidson, Cabarrus, and Mecklenburg counties, new machinery is being erected, in addition to the various works heretofore in operation. Horse power, it is now generally conceded, is not as effective and economical, for driving the machinery, as either steam or water power: the former mode is, consequently, rapidly giving place to the two latter. In these counties, immense quantities of the precious metals are realized, not only from the gold mills, but by means of the divers other contrivances used for separating the fine gold from the grosser substances.

Burke county appears to stand unrivalled, thus far, in North, as well as South America, for the extent and richness of her deposit mines. New discoveries are almost daily made; and it would seem as though the ariferous strata pervaded the banks of every river, creek and branch in that whole extent of country.

Recently, Rutherford county has vied with her neighbor Burke, for distinction in her golden resources. We learn from the Spectator, that a mine lately discovered on lands of Thomas Sears, and worked by Charles Hull, yielded in one week, by the labor of four hands, \$162 worth of metal. Besides, there had previously been a goodly number of mines opened in Rutherford; some of which had been pretty extensively and profitably worked.

The operations of the mines in Montgomery, Anson, and Guilford counties, are not as extensive as formerly; yet a saving business is done at all those which are worked with any degree of spirit and economy, and in many instances a

rich reward is realized for the labor bestowed.

In Haywood county, (a correspondent of the *Raleigh Star*, states) Gold has been discovered on the lands of Col. Robert Love, and E. Deaver, near Waynesville; and the probability is, that were suitable experiments to be made, valuable mines could be opened there.

Such being the condition of the mining business,—extensive and valuable at this time, and yet richer and more profitable in prospective,—it is much and sincerely to be regretted, that the proposition of the Hon. Mr Carson, for the establishment, in the Gold Region, of a branch of the United States Mint, or even an Assayer's Office, should have failed of receiving the sanction of Congress. A very great inconvenience is

suffered, not only by those engaged in the mining business, but by nearly the whole community engaged in the gold region, for want of such an establishment. Crude gold is quite a common article of traffic throughout this region; and in some measure, is made the circulating medium of the country; its intrinsic value is uncertain, and there being no establishment, in which the public will repose confidence, to ascertain and affix such value, a door is necessarily opened for much speculation and perplexity among those who deal in the article. Another session of Congress will be anxiously looked to, for the accomplishment of a measure which is viewed in anticipation, as fraught with many benefits to the gold region.

## SOUTH CAROLINA.

*November, 1820.* The Legislature met on the 23d inst. at Columbia.

The Message of the Governor was transmitted to the Legislature on the 24th inst.

It notices with satisfaction the change in the administration of the *General Government*—and observes that in theory it is the most perfect government on earth, whether it prove so in practice is to depend 'on a fair and honest exposition of its powers.'

'It is in vain to suppose, that a country so extensive, embracing such a variety of interests as ours, can be governed exclusively by Congress, without destroying its present free institutions.—That is the best government, which interferes least with the interests and property of its citizens. If the pretension lately set up by Congress, to pass laws to bind the states "in all cases whatever," or, what is the same thing, to do whatever the general welfare requires, be sustained, then, this government, instead of being one in which liberty is enjoyed and the right of property protected, is a hateful despotism. Let the consequences be what they may, those must answer for them, who present the alternative of servile submission, or constitutional resistance, to usurped power. It might better comport with timid women and cowardly men to pay black mail to freebooters, than to arm and repel them. But an intelligent and brave people will not look to the possible consequences involved in the defence of their dearest and most invaluable rights.'

On the subject of the *Tariff* it asserts that 'the Manufacturers press their claims upon the bounty of Government in a manner unparalleled in the history of legislation. The direct interest of individuals or of particular sections of country, is made the basis of a system, sapping the foundation of the honest labor and constitutional rights of other sections. It is entirely obvious that those states owning slaves, have a distinct and separate interest from such as have none.'

The Governor then proceeds to mention the Protest of the last Legislature, which was forwarded to Washington, and entered on the Journals of Congress.

The details of the arrangement of the *State Government* are stated to be not sufficiently simple and harmonious, and amendments are suggested. 'There is but little accountability felt now, in the fiscal affairs of this state. A great portion of the finances are in the hands of irresponsible agents, whose honesty is the only public security.' It is submitted whether it would not be expedient to 'make Columbia the seat of government, in fact, and the place of residence, of the principal Executive Officers.'

Defects are perceived to exist in the present system of imperfect responsibility, &c, in the clerks and sheriffs, and it is not 'an uncommon thing for suitors to lose their debts by the insolvency of those officers. Strictly speaking, the public ought to underwrite for their fidelity.

A revision of the *Criminal Law* of the state is recommended. The punishment for some offences is uncertain and for many too severe. Some assistance to the *planting interest* is next proposed. On the capital embarked in this business, few persons make it is said, more than 4 per cent, while the legal interest in Carolina is 7 per cent. That planter who is now paying 7 per cent interest is engaged in a losing business. By reducing the rate of interest, you will save such from the ruin incident to indiscretion and procrastination.'

'We have also a deep concern in adopting such legislation as will give to the mass of our population an interest in agriculture. Every planter who disposes of his land and slaves, feels a diminished zeal in behalf of Southern Institutions, and most of them invest the proceeds in the U. S. Bank Stock. To permit such to be exempt from taxation, is holding out a premium to them to abandon their own State, while it increases the burthen of taxation on the balance.' It is therefore recommended that the Stock of the Bank should be taxed.

Noticing the late *Census* of the State, the Governor remarks, 'The increase of population has been limited owing to emigration. Nothing tends to retard permanent improvement of the country more than the roving habits of our people. It is natural that the new states should desire to increase their population, and with it their political influence in the Union. Among other schemes to effect this purpose is to be ranked the gratuitous distribution of the public land to emigrants. How far it may be politic to adopt countervailing measures on this subject, you will determine. The right to set limits to emigration is an original principle in the body politic. Without insisting upon an interdict of emigration, you will consider, how far it becomes your duty to make it the interest of the citizen to remain on his native soil. By protecting resident freeholders from an involuntary sale of real estates, local attachments would be fostered. Whether such an interference with a relation of debtor and creditor be considered politic or not,—at all events, a revision of the law, relating to Sheriff's sales, so as to permit a defendant, or any one for him, to redeem a purchase of real estate made at Sheriff's sale within a year, with an authority in the Sheriff to put the purchaser in possession in case of a failure to redeem—would be an improvement.'

'The pledge made in 1818, to appropriate one million of dollars to objects of *internal improvement* has been redeemed, and another million has almost been expended. The objects within the contemplation of the Legislature are nearly completed. The benefits resulting from these appropriations are now successfully developing themselves. The intercourse between Columbia and Charleston by the state road, has been much facilitated, and great improvement in the navigation of the rivers below the falls, has been realized. The Rocky Mount Canal will soon be completed, which will open a communication to one of the best bodies of land in the southern country. How far the improvement of this fine river will be extended beyond our line, will depend upon the enterprise of the citizens of North Carolina.'

'The sums, heretofore invested in public works and their unfinished state in some instances, require for a season longer, the continuance of the office of Superintendent of Public Works.'

The road police is defective, but some measures have been adopted for its improvement.

The *Financial Resources* of the State are thus enumerated:—'There was in the Treasury, on the 1st of September 1829, \$131,219; this, added to the ordinary revenue of the present fiscal year, would give \$466,772, exceeding the highest estimate of public expenditure \$236,390. The large amount of surplus revenue, exhibited by this estimate of the resources of the state, proves her ability, in time of unparalleled depression in her great staples, to sustain her credit. Whether it would be prudent to continue the ordinary taxes now imposed, with a view to an accumulation of the means, through the agency of the Bank, to meet the public debt, when it becomes due, deserves your consideration. The profits upon the funds already vested in that institution, are supposed to be entirely competent to the ultimate liquidation of the public debt. Besides this, the state has a just and constitutional claim against the United States, for more than \$160,000, which we cannot otherwise than believe will be speedily liquidated by the General Government.'

'The *South Carolina College*, [at Columbia,] is in a prosperous state, whether we regard the number or the habits of the students. A regulation has lately been adopted, permitting students to board out of Commons, which

the Governor approves. It is supposed the whole number of students this winter will be 120.

About \$37,000 are annually appropriated for *Free Schools*. 'The benefit derived from this appropriation is partial, founded on no principle, and arbitrarily dispensed by the Commissioners. If the fund could be so managed as to educate thoroughly a given number of young men, and to require them afterwards to teach a limited time, as an equivalent, the effects would be soon seen and felt.'

'The *Judicial System* of the State, corrected by the Legislature in 1824, is deserving of much praise. Under its influence litigation is diminishing, and the manners and habits of the people are improving. Some additional amendments are suggested to prevent mis-trials at Common Law, the tendency of which is to produce a litigious and quarrelsome disposition. The modern practice is, as soon as the Jury come into court and say they cannot agree, they are discharged, and the case stands over for further trial. In civil cases, the majority of the Jury ought to determine the case. The abolition of the old practice of constraining the Jury to agree, ought to be followed by such an improvement as would put an end to mis-trials.' At present, by the Land Law, a plaintiff has a right to two fair trials of his title. 'one verdict on the merits does not conclude the plaintiff, as it does the defendant. This right to a second action is oppressive, intolerably so, except to an insolvent or wealthy man.'

*Dec.* Resolutions expressive of the sense of the Legislature against the renewal of the charter of the U. States Bank, were introduced in the State Senate, and on the 15th of Dec. passed that body Ayes 26 and Noes 10.

A report in favor of the establishment of a national bank was then taken up and indefinitely postponed.

The next day a report was called up in the House of Representatives, concerning the relations of the state, with the general government. This report commenced with expressing the gratification of the Legislature, at the election of Gen. Jackson as President, and its confidence in the course of policy indicated in his annual message. It would have been desirable however, (it adds,)

had 'the authority of his great name been more decidedly with the opinion of S. C. in reference to a modification of the tariff of 1828. Nothing but a relinquishment of the principles of that law would satisfy S. C., and although not then inclined to express any fears of the disposition of Congress to make such a modification, the report recommended the Legislature to wait, until it should be satisfied by the course of Congress, that there was no redress against the oppression of an interested and combined majority, but by the conservative power residing in the state as a sovereign' This report, which recommended delay, but disclaimed any intention of giving up the doctrine of nullification, was agreed to after an ineffectual attempt to lay it on the table. The vote on laying it on the table, stood Ayes 42, Nays 72.

It appeared by a report of the Committee on Schools, that the number of public schools established in the state was 513, wherein 5361 scholars were educated at the annual expense of \$35,-310.

**FINANCES.**—The comptroller general reported a balance in the Treasury on the 1st of October, 1829, of \$115,518 Receipts between that time

and 1st Oct. 1829,	\$28,072
Dis-bursements,	315,370
Balance Oct. 1st, 1829,	131,220
Estimates for 1829-30,	
Expenses of Executive Dep't.	6,980
Judicial,	39,172
Fiscal,	6,650
College,	13,400
Legislative,	22,640
Miscellaneous,	111,510

Among these last items, are for Free Schools, \$37,000; Pensions, \$14,000; Public buildings, \$25,000; Jurors and Constable certificates, \$16,000; and interest on old 3 per cents \$6,000.

The public debt of the state, as it stood at the end of 1829, amounted to \$1,670,000; falling due

\$400,000 in	1840
200,000	1842
250,000	1844
300,000	1846

Sinking fund applicable to this debt amounts to \$363,000.

The Committee of ways and means, estimate an annual surplus of \$50,000 to be carried to the sinking fund.

## GEORGIA.

*November 2, 1820.* The *Legislature* assembled at Milledgeville on the 2d inst. Thomas Stocks was elected President of the Senate, and William Y. Hansel, Secretary; and Col. Warren Jordan was chosen Speaker of the House of Representatives, and William C. Dawson, Clerk.

The Message of Gov. Forsyth was presented on the following day. Its first subject is, respecting the *Cherokee* lands. In compliance with a resolution to that effect, immediately after the close of the last session of the Legislature, examinations were made relative to the boundary between the Creeks and Cherokees, and a surveyor employed to mark the line. The territory described by this survey is estimated to contain 1824 square miles, or 1,167,300 acres; the soil is represented to be fertile. A map of it was sent with the evidence to support its accuracy to the President of the United States, with a request that he would have the Indians residing upon the territory immediately removed. The answer given, in two communications through the Secretary of War, are subjoined to the Legislature. "In the first, we are told, 'the President considers it improper for him to offer any opinion on the question of title,' but earnestly desires that Georgia will forbear any course that may appear compulsory. In the second, that the President prefers to refer the matter, for the present, to a different tribunal.' General Coffee, of Alabama, has been selected to proceed at once to collect evidence on the facts, upon which the claim of the State to the occupation of the lands is founded. The Governor thus proceeds—'The complaints of the Cherokees of intrusions upon their lands, have produced an order from the War Department, for the removal, after the 15th of October, of those white persons who have settled between the ancient and modern line separating the Creeks and Cherokees. This order is a decision against us until further inquiry. To what tribunal allusion is made, is not explained. We cannot object to any investigation of the facts deemed necessary to justify the removal of the Indians; but the character of the state would be compromised by any attempt to enter into an investigation as the adversaries of the Cherokees, before any commissioner, however recom-

mended by his important services and spotless integrity. What is most to be regretted, is the determination of the Federal Government to enforce the law regulating trade and intercourse with the Indians. If the evidence collected by our commissioner proves that the land between the two lines is comprehended in the last Creek contract, the law of Congress does not apply to it: the Cherokees are not the rightful occupants, the question of its constitutionality being waived, cannot operate after June 1830. If not already within the exception of the 19th section of the act, in June next the Cherokees in Georgia will become so, as they will be within the ordinary jurisdiction of the state. Hope is entertained that circumstances may allow the Secretary of War to countermand the order before the time arrives for its execution, and that no occurrence will produce any excitement or collision between the General and State Governments. The application to the President of the United States to interfere, was inconsistent with our alleged right to determine all such questions without the intervention of the authority either of the Executive or Legislature of the Union; but having been made, in deference to past usage, and from a sincere desire to act in concert with the administration of the General Government, a regard for consistency, not less than a due respect for the authority to which we have appealed, compels us to wait tranquilly for the decision we have invoked.'

It proceeds to say that the opinions upon which the act extending the State laws over the Indians within our territory is founded, accord with those of the present administration of the Federal Government. In the exercise of our sovereign power, limited as it is, only by the constitution of the United States, there is little danger of our again meeting with formidable obstacles from the imposing authority of the Executive of the Union. While indulging sanguine expectations that the compact of 1802 will be either fulfilled, or put in train for fulfilment before June, 1830, prudence requires that legislative provision should be made on the possibility that those expectations may be disappointed. The Indians who may continue within our jurisdiction after June

1830, will be subjected to such laws as the Legislature may hereafter prescribe. Great care is necessary to mature provisions for the protection of their persons and property, if they are to remain in the anomalous condition in which they are placed by the act of 1828. Tribunals for the trial of the Indians accused of crimes are to be designated, and the forms and rules of proceeding established—the courts which are to have jurisdiction for the redress of injuries inflicted by them or upon them, where the inflictor or sufferer is an Indian or a white man, are to be ascertained or created by law, and the mode of proceedings prescribed.—How guardians are to be selected for them—the authority and privileges of those guardians when selected, require mature reflection and careful legislation. The character of the state for generosity and magnanimity, dictates enactments as liberal as the moral and intellectual condition of this dependent people will permit.—Whatever in the exercise of a prudent forecast may be determined upon, one provision is required by a due regard to our position, as a member of the Government of the United States. A small tax should be imposed upon all the Indians within our territory, that in the next general census they may be enumerated and form a part of our Federal Representative population.

‘The *Florida boundary line* remains yet unsettled. The *Penitentiary* of the State, under the act of last year, has been better managed, and no part of the appropriation made for that purpose has been required for its support. Some improvement has occurred in the moral influence of its inmates, but much good in this way cannot be expected till a separation of the prisoners during the night is accomplished.

‘A want of uniformity in the *judicial administration* of the laws, particularly in reference to appellate jurisdiction from the courts created for the trial of free persons of color and slaves, is pointed out for the correction of the Legislature.’

Various suggestions are offered for the improvement and security of the Banking System, of which the principal one is thus expressed.—‘In the third section of the charter of the Central Bank which gives the use of the taxes collected, to the Bank, I would respectfully recommend that the profits of the Bank and the amount of interest paid to it by public debtors, shall be annually or semi-annually paid over to the Treasur-

or, to defray the expenses of Government—looking forward to the period not remote, if the institution should be prosperous, when the agriculture of Georgia, like that of Pennsylvania, will be relieved from all direct contributions for the payment of State expenses.’

On the subject of *Internal Improvements*, the Governor mentions that a payment of \$44,000 has been made by the State as subscriber for 440 shares of the Stock of the Savannah, Ogeechee and Altamaha Canal Company, and a loan of \$50,000 had before been made by the State for the same purposes. A further expenditure will be required to a larger amount, but with promise of very advantageous results. ‘Unless the individuals who have commenced the work shall despair of success, and abandon the design, it is confidently believed that a full share of the charge will be cheerfully borne by the state, until the line of the canal reaches the Chattahoochee, and forms a channel of communication through the state, between the Gulf of Mexico and the Atlantic Ocean.’

It is stated that preparations are making to erect a *State Arsenal* at Savannah. Measures have been taken under an act of the last session to improve the distribution and application of the *School Funds*.

Mr Forsyth was elected to the Senate of the United States, to supply the vacancy occasioned by the resignation of Mr Berrien.

George R. Gilmer succeeded to the office of *Governor* of the State; and Henry G. Lamar was chosen a Representative in Congress, in the place of Mr Gilmer. The seat of the last mentioned gentleman was adjudged by the Executive to have become vacant by his failure to signify acceptance, pursuant to the Act of Feb. 1799. This statute had been decided by the only tribunal qualified to take cognizance of it, to be unconstitutional, and has ever since been generally regarded as obsolete.—It should be repealed, to prevent future difficulties.

**FINANCES OF GEORGIA.**—The annual treasury report was submitted to the legislature on the 7th Nov. The receipts for the year ending 31st October, 1829, were, \$271,611 03—the amount remaining in the treasury on 1st Nov. 1829, was \$631,529 36—making a total of \$903,140 44. The expenditures of the last political year, (including \$517-088 46, paid to the Central Bank,) were, \$712,063 94. Remaining in the treas-

ury, \$191,076 50. The appropriations for county academies amounted to \$14,302 44 — poor school fund, \$742 58.

**REPRESENTATION.** — The *Georgian* gives this statement of the birth-places, pursuits, &c. of the Members of the House of Representatives of the state:—

**Nativity** — Georgia, 77; Virginia, 16; South Carolina, 16; North Carolina, 16; Pennsylvania, 2; Connecticut, 2; E. Florida, 1; Maryland, 1; Massachusetts, 1; at sea, 1; unknown, 6 — total, 139.

**Occupation** — Farmers, 89; lawyers, 20; physicians, 10; merchants, 8; farmers and merchants, 2; mechanics, 2; steam-boat agent, 1; unknown, 7 — total, 129.

**State** — Married, 109; unmarried, 15; widowers, 8; unknown, 7.

**Ages** — 28 between 20 and 30; 61 between 30 and 40; 34 between 40 and 50; 9 between 50 and 60; unknown, 7.

**GEORGIA BANKS.** — By a tabular statement of the banks in Georgia, including the Central bank, the following result appears:—

Capital,	5,582,349 17
Bills in circulation,	2,719,356 07
Notes discounted and bills of exchange,	5,949,589 75
Specie,	1,129,130 20

**LEGISLATION.** — Twelve acts passed at this session of the legislature, related to the public education of children in different sections of the State.

Twentyseven bills for divorce were passed, separating husband and wife.

**INDIANS.** — The following is a copy of the act passed Dec. 1829, in relation to the Cherokee territory.

An act to add the territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnet, Hall, and Habersham, and to extend the laws of this state over the same, and to annul all laws and ordinances made by the Cherokee nation of Indians, and to provide for the compensation of officers serving legal process in said territory, and to regulate the testimony of Indians, and to repeal the ninth section of the act of eighteen hundred and twentyeight, upon this subject.

The first five sections provide for the incorporation of the Cherokee territory, in the adjoining counties of Carroll, DeKalb, Gwinnett, Hall and Habersham.

**Sec. 6.** *And be it further enacted,* That all the laws, both civil and criminal of this state, be, and the same are hereby extended over said portions of

territory respectively, and all persons whatever, residing within the same, shall, after the first day of June next, be subject and liable to the operation of said laws, in the same manner as other citizens of this state, or the citizens of said counties respectively, and all writs and processes whatever, issued by the courts or officers of said courts, shall extend over, and operate on the portions of territory hereby added to the same respectively.

**Sec. 7.** *And be it further enacted,* That after the first day of June next, all laws, ordinances, orders and regulations of any kind whatever, made, passed, or enacted by the Cherokee Indians, either in general council or in any other way whatever, or by any authority whatever of said tribe, be, and the same are hereby declared to be null and void and of no effect, as if the same had never existed; and in all cases of indictment or civil suits, it shall not be lawful for the defendant to justify under any of said laws, ordinances, orders, or regulations; nor shall the courts of this state permit the same to be given in evidence on the trial of any suit whatever.

**Sec. 8.** *And be it further enacted,* That it shall not be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law, or custom of said Cherokee nation, to prevent, by threats, menaces, or other means, to endeavor to prevent any Indian of said nation residing within the chartered limits of this state, from enrolling as an emigrant or actually emigrating, or removing from said nation; nor shall it be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law, or custom of said nation, to punish in any manner, or to molest either the person or property, or to abridge the rights or privileges of any Indian for enrolling his or her name as an emigrant, or for emigrating, or intending to emigrate from said nation.

**Sec. 9.** *And be it further enacted,* That any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be punished by confinement in the common jail of any county of this state, or by confinement at hard labor in the penitentiary for a term not exceeding four years, at the discretion of the court.

**Sec. 10.** *And be it further enacted,* That it shall not be lawful for any per-



son or body of persons, by arbitrary power, or under color of any pretended rule, ordinance, law, or custom of said nation to prevent, or offer to prevent, or deter any Indian, head man, chief, or warrior of said nation residing within the chartered limits of this state, from selling or ceding to the United States, for the use of Georgia, the whole or any part of said territory, or to prevent, or offer to prevent any Indian, head man, chief or warrior of said nation, residing as aforesaid, from meeting in council or treaty, any commissioner or commissioners on the part of the United States, for any purpose whatever.

Sec. 11. *And be it further enacted*, That any person or body of persons, offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be confined at hard labor in the penitentiary, for not less than four, nor longer than six years, at the discretion of the court.

Sec. 12. *And be it further enacted*, That it shall not be lawful for any person or body of persons by arbitrary force, or under color of any pretended rules, ordinances, law, or custom of said nation, to take the life of any Indian residing as aforesaid for enlisting as an emigrant, attempting to emigrate, ceding or attempting to cede as aforesaid, the whole or part of said territory, or meeting or attempting to meet in treaty or in council as aforesaid, any commissioner or commissioners as aforesaid; and any person or body of persons, offending against the provisions of this section, shall be guilty of murder, subject to indictment, and on conviction shall suffer death, by hanging.

Sec. 13. *And be it further enacted*, That should any of the foregoing offences be committed under color of any pretended rules, ordinance, custom or law of said nation, all persons acting therein either as individuals or as pretended executive, ministerial, or judicial officers, shall be deemed and considered as principals, and subject to the pains and penalties herein before prescribed.

Sec. 14. *And be it further enacted*, That for all demands which may come within the jurisdiction of a magistrate's court, suit may be brought for the same in the nearest district of the county to which the territory is hereby annexed, and all officers serving any legal process, or any person living on any portion of the territory herein named, shall be entitled to receive the sum of five cents for every

mile he may ride to serve the same, after crossing the present limits of said counties, in addition to the fees already allowed by law; and in case any of said officers should be resisted in the execution of any legal process issued by any court or magistrate, justice of the inferior court or judge of the superior court of any of said counties, he is hereby authorized to call out a sufficient number of the militia of said counties to aid and protect him in the execution of his duty.

Sec. 15. *And be it further enacted*, That no Indian or descendant of any Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of this state to which a white person may be a party, except such white person resides within the said nation.

WARREN JOURDAN,

*Speaker of House of Reps.*

THOMAS STOCKS,

*President of Senate.*

*Assented to, Dec. 19, 1829.*

GEORGE R. GILMER, Governor.

A law was also passed in consequence of the abduction of Rowland Stevenson, a banker, who had fled from England, making it a penal offence to abduct, or kidnap a free white person, and punishable by imprisonment of not less than 5 nor more than 7 years.

\$50,000 were appropriated for the improvement of the roads and rivers within the state.

A law was also passed imposing a quarantine of forty days on all vessels having free colored persons on board — this clause to take effect upon vessels from ports of the United States, in three months, from all other ports, in six months. The act also prohibits all intercourse with such vessels by free persons of color or slaves, and compels captains of vessels to convey back such persons on board; renders capital the circulation of pamphlets of evil tendency, among domestics; makes penal the teaching of free persons of color or slaves to read or write; and prohibits the introduction of slaves into the state for sale.

Slaves were also prohibited under a penalty of \$10 per day, from being employed in any printing office within the state.

Resolutions were passed authorizing the governor to appoint commissioners to report a digested system of free schools to the Legislature at its next session; dissenting from a resolution of Louisiana, to amend the federal constitution, as to extend the term of office of President.

and vice President to six years, and to render the President ineligible: concurring with a resolution from Missouri, to amend the constitution by having the President and vice President elected directly by the people, without the intervention of electors—so as to retain however, the relative vote of states as at present, and also recommending that in no case the election should be submitted to the House of Representatives.

A resolution was also passed against the tariff of 1828, instructing the Senators and Representatives to use their best efforts in procuring its total repeal.

These resolutions were all approved the 19th Dec. 1829.

In consequence of the act of the 19th of Dec 1829, in relation to the Cherokee territory a proclamation was issued by the governor which after reciting the act continues as follows.

And whereas said Cherokee Indians have, for some time past, been attempting to establish a government independent of the authority of this state, and have, since the passage of said recited act, violated the rights of the citizens of this state under highly aggravating circumstances, under pretence of executing the legal orders of the principal chiefs of said tribe—And whereas the rulers and head men of said tribe have continued since the passage of said act to excite the Indians under their influence against submission to the operation of the laws of this state, and have attempted to prevent the enforcement of the same, by appealing to the congress of the United States to interpose the powers of the union to protect them therefrom—And having by various other acts evinced a spirit of determined hostility against the government of this state.

Now, therefore, that the sovereign authority of this state over all the persons within its limits may be duly acknowledged and respected, and the rights of its citizens preserved, and that the Indian people occupying its territory under the protection of its laws, may be relieved from the oppression to which they have been hitherto subjected, by the laws and customs of their tribe, or the arbitrary power of their chiefs, I have thought proper to issue this my proclamation, giving notice to all persons that said recited act is now in force, and that all Indians and others residing within said territory or elsewhere, are warned not to violate its enactments;

and every officer, civil and military, is hereby required, and every patriotic citizen of the state urged to aid in the enforcement thereof, and especially in causing the penalties for its violation to be certainly inflicted upon each and every chief, head man or other Cherokee Indian, or any other person residing in said territory, who shall exercise or attempt to exercise any authority within said territory, under pretence or by virtue of any Cherokee law, ordinance, order, or regulation whatsoever, or who shall by virtue of any such pretended authority prevent or attempt to prevent any Indian from emigrating from said territory, or enrolling himself for that purpose, or who shall in like manner punish or molest either the person or property, or abridge the rights or privileges, on account of his or her enrolling as an emigrant or intending to emigrate; or who shall by virtue of any such pretended authority, or by any arbitrary power prevent or offer to prevent or deter any Indian, head man, chief or warrior residing within said territory, from selling or ceding to the United States, for the use of Georgia, the whole or any part of said territory, or prevent such person or persons so residing, from meeting in council or treaty any commissioner or commissioners of the United States for any purpose whatever, or who shall by virtue of any such pretended authority, or by any arbitrary force put to death any Indian for enrolling as an emigrant, attempting to emigrate, ceding or attempting to cede, the whole or any part of said territory, of meeting or attempting to meet in council for that purpose.

Given under my hand and the great seal of the state, at the state-house in Milledgeville, the third day of June, in the year of our Lord one thousand eight hundred and thirty, and of American Independence the fifty fourth.

GEORGE R. GILMER.

By the governor:

EVERARD HAMILTON, *sec'y of state.*

The following is a second Proclamation, issued by His Excellency Governor Gilmer, regarding the Cherokee Indians in that state—

A Proclamation, by His Excellency George R. Gilmer, Governor and Commander in Chief of the Army and Navy of the State of Georgia, and Militia thereof.

Whereas it has been discovered that the lands in the territory now occupied by the Cherokee Indians within the limits of this state, abound with valuable minerals, and especially gold—and whereas the State of Georgia has the free simple title to said lands and the entire and exclusive property in the gold and silver therein—and whereas numerous persons, citizens of this and other states, together with the Indian occupants of said territory taking advantage of the law of this state, by which its jurisdiction over said territory was not assumed until the first day of June last past, have engaged in digging for gold in said land, and taking therefrom great amounts in value, thereby appropriating riches to themselves, which of right equally belong to every other citizen of the state, and in violation of the rights of the state, and to the injury of the public resources—and whereas the absence of legal restraints and the nature of their pursuit, have caused a state of society to exist among said persons, too disorderly to be permitted to continue—and whereas by the act of the last Legislature to add the territory within the occupancy of the Cherokee Indians, included in the limits of this state, to the counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham, and to render void and annul all Cherokee laws, the jurisdiction of this state is now extended over said territory, and all persons therein made subject thereto: Now for the purpose of removing all persons from the lands of this state in the territory aforesaid, except such as are permitted by the laws or assent of this state to occupy the same: to secure to the state its property in the minerals therein, and to put an end to the lawless state of society which has hitherto existed among the gold diggers in said territory, I have thought proper to issue this my Proclamation, notifying all persons whom it may concern, that the jurisdiction of this state is now extended over all the territory in the occupan-

cy of the Cherokees, included within the limits of this state, and which was by an act passed by the late Legislature of this state, made a part of the counties of Carroll, De Kalb, Gwinnett, Hall, Habersham, and that all persons residing therein and subject to said jurisdiction; and to warn all persons, whether citizens of this or other states, or Indian occupants, to cease all further trespass upon the property of this State, and especially from taking any gold or silver from lands included within the territory occupied by the Cherokee Indians, and so as aforesaid added to the counties aforesaid, and to direct all persons to quit possession of said lands and depart from said territory without delay, except such as by law or the assent of the state are permitted to occupy the same, and to require all officers of the state within the counties aforesaid to be vigilant in enforcing the laws for protection of public property, and especially to prevent any further trespasses upon the lands of the state, or the taking any gold or silver therefrom. Given under my hand, and the great seal of the state, at the state-house in Milledgeville, this third day of June, in the year of our Lord eighteen hundred and thirty, and of American Independence the fifty fourth.

GEORGE R. GILMER.

By the governor:

EVERARD HAMILTON, Sec'y of state.

May, 1830. OGLETHORPE CANAL.—This canal is now nearly completed, the only remaining portion to be excavated being about twelve miles from Savannah, and about 70 feet in extent. When finished, the canal will have cost about 11,000 dollars per mile. It has six locks, nine culverts, one aqueduct, and eleven bridges, nearly all of which are now in good order. The boats to be used on the canal are limited to 85 feet in length, and 17 in breadth, with a draft of 3 1-2 feet.

## ALABAMA.

Dec. 1829. The Legislature met at Tuscaloosa on the 16th. Levin Powell, Esq. was chosen President of the Senate, and Francis S. Lyons, Secretary; John Gayle, Speaker of the House and Thomas T. Tunstall, principal clerk.

The Message of Governor Murphy was presented to the Legislature on the

17th inst. It is commenced with felicitations on the happiness and prosperity of the people of the state. The Governor calls the attention of the Legislature to the simplifying and perfecting of the laws of the state; that having reached the highest point attainable, they may remain unchanged, and strengthened

both in their influence and the veneration of the people, by their unaltered character and age.

His Excellency's visit, with satisfaction, that the General Assembly was now convened in the new capital of the state—expressed his hope that it will satisfy the highest expectations formed of it, and that it may long remain a monument of the liberal ambition, and enlarged—but not extravagant—munificence of the state.

The first prominent subject presented for legislative consideration is thus introduced:

'The Commissioners appointed to examine, value, and select 400,000 acres of relinquished land in the Tennessee valley, for this state by Congress, for the purpose of improving the navigation of the Tennessee and other rivers in this State, are understood to have made a return to the Register, and that the land office has been opened for the entry of the lands.' The Governor thinks the Commissioners have in some degree misapprehended the instructions of the act under which they were appointed; but if any mistake has been committed, is certain that it was altogether inadvertent and unintentional, as there can be no doubt of the high honor, integrity and intelligence of the Board of Commissioners. A protracted exposition and argument follow on the subject; the results of which may be thus expressed:—The Commissioners have not classed the whole of the 400,000 acres, nor have they valued the most inferior class of the selection, at a price not less than the minimum price of the lands of the United States. The distinction of unclassified lands, composing a part of the 400,000 acres selected, made by the Commissioners, was not only unauthorized by the act, but in direct opposition to its express requirements. The law therefore appears not to have been complied with; and there seems reason to believe cannot be—and the return made to the Register is consequently irregular and invalid. Some explanatory and corrective enactments are requisite for the honor and interests of the state, and the rights of those who have entered lands under the arrangements made by the Commissioners.

The observations in relation to the granted lands grew out of these circumstances:

A report was made to Congress, stating that four hundred thousand acres of land had been sold at the minimum price

state, and the proceeds to be applied to the improvement of the navigation of the Muscle Shoals and other parts of the Tennessee. This land was supposed at the time of the grant to be worth at least ten dollars per acre. The state appointed commissioners to value it, allowing preference in purchase to the persons in possession at the valuation price. The consequence was that in favoring the occupants, the lands were valued so low as to defeat the object of the grant,—the 400,000 acres, estimated to be worth several millions of dollars, having been valued at only five or six hundred thousand dollars.

The insufficiency of the salaries now received by the Judges of the State, the Attorney General and the Solicitors, is now pressed upon the attention of the Legislature. The present compensation of these officers is inadequate to the importance and dignity of their places, and both justice and sound policy require its increase.

On the subject of the Tariff the message remains.

At the last session of the General Assembly, a strong but temperate memorial was addressed to the Government of the United States, on the subject of the last Tariff imposed on imported articles. It is hoped that more mature reflection as well as the experience of many places, will have combined to produce the conviction, that it threatens the country in general with many evils, without producing even the common share of insulated benefits which frequently attend even bad measures. Its impolicy, injustice, and unconstitutionality, may be truly said to become every day more apparent. It would seem to have had its principal spring in the desires and passions of avarice, which are certainly the least respectable, and are more likely to produce feelings of just indignation, than to conciliate or reconcile. Judicious and separate efforts for the constitutional repeal of this obnoxious measure, should in no wise be intermitted; the argument, if argument can still have place, should be more full, and the tone more earnest. In the meantime no expedient should be left untried which more fully to counteract it. The dictates of honorable interest, as well as the love of country, (not that sickly and contracted sentiment which can only embrace the small circle of our own selfish pursuits, but that which is the offspring of enlarged benevolence and generous philanthropy) should prompt us to do

away, as speedily as we can, this pernicious error.

A revision of the Criminal Law is next recommended, not with a view to introduce new sanctions, but to insure the proper application of those already provided. 'It too frequently happens, that criminals, especially those who are affluent, influential, or who have many friends, escape the punishment due to their crimes. It is painful to hear the remark, that it is difficult to convict such a criminal, however clearly his guilt may be established. The present mode of obtaining the jury seems to be principally chargeable with the fault.'

Speaking of the policy adopted by the Executive Government of the United States towards the Indian Tribes residing within the limits of Alabama and other states, the Governor says—'It seems alike calculated to do justice to the states, and to promote the best interests, and happiness of the Indians. There can be little doubt of its ultimate and speedy success.'

The buildings of the University are advancing handsomely towards completion, and will be ready for occupation as soon as the other arrangements for the commencement of the institution can be made.

Some local matters of little general interest are then adverted to—among which we notice that the accounts with the State of Mississippi have been adjusted.

**INDIANS.**—By a census taken under the authority of the State Government, the Creeks in Alabama appear to exceed 20,000 in number, and that 535 slaves are owned by Indians of that tribe.

**EXERCISES.**—The Legislature at the session of 1829-30 ordered the sale of the public lands granted for the internal improvement of the State to be suspended for three months. It also created a board of internal improvement.

A resolution was also passed to amend the State Constitution so as to limit the term of federal officers to six years, and another resolution proposing an amendment to that Constitution so as to have biennial sessions of the Legislature. Several resolutions were also passed by the Legislature requesting the aid of the General Government in promoting the internal improvement of the state.

**May, 1830.** The Grand Jury of the Circuit Court for Pike County, Alabama, at a late term, presented Major Philip Wager, of the United States Army, for an alleged infraction of the rights of the citizens of Alabama; he having issued a proclamation, by order of the Secretary of War, directing all white persons not having permits, or Indian wives, to leave the territory of the Creek Indians within fifteen days. The Grand Jury pronounced the Major and his men guilty of a violation of the laws of Alabama, that State, at the last session of the Legislature, having extended its jurisdiction over the said territory.

## MISSISSIPPI.

1830. The legislature at its session of 1829-30 passed an act extending the jurisdiction of the state over the Indians within its limits, and incorporating them in the mass of the free population of the state. The following is the act:

### STATE OF MISSISSIPPI.

An act to extend the laws of the state of Mississippi over the persons and property of the Indians resident within its limits.

Sec. 1. *Be it enacted by the senate and house of representatives of the state of Mississippi in general assembly convened.* That from and after the passage of this act, all the rights, privileges, and immunities and franchises, held, claimed, or enjoyed, by those persons called Indians, and their descendants, and which are held by virtue of any form of policy, usage, or custom, existing among said persons, not particularly recognized and

established by the common law or statute of the state of Mississippi, be, and the same are hereby wholly abolished and taken away.

Sec. 2. *Be it further enacted.* That all the rights, privileges, immunities, and franchises, held and enjoyed by free white persons, inhabitants of the said states, be, and the same are hereby given, granted and extended to the said persons called Indians, and their descendants, in as full and ample a manner as the same can be done by an act of the general assembly.

Sec. 3. *Be it further enacted.* That all the laws, statutes, and ordinances now in force in the said state of Mississippi, and the same are hereby declared to be in full force, power, and operation over the persons and property, and within the territory now occupied by the said persons.

Sec. 4. *Be it further enacted*, That all marriages, matrimonial connexions or associations, entered into by virtue of any usage or custom of the said Indians: and by them deemed valid, be, and the same are hereby declared to be as binding and obligatory as if the same had been solemnized according to the laws of this state.

Sec. 5. *Be it further enacted*, That any person or persons, who shall assume on him or themselves, and exercise in any manner whatsoever, the office of chief, uningo, headman, or other officer of power, established by the tribal customs, ordinances, or customs of the said Indians, and not particularly recognized by the laws of this state, shall be liable to an indictment or prosecution before a court of competent jurisdiction, to be fined in any sum not exceeding one thousand dollars, and be imprisoned any time not exceeding twelve months, at the discretion of the court before whom conviction may be had.

Sec. 6. *Be it further enacted*, That the boundaries, specified in an act, entitled an act to extend legal process in that part of the state now occupied by the Chickasaw and Choctaw tribes of Indians, passed, February 4th, 1829, shall be construed as to make all legal process returnable, as by that act required.

JOSEPH DUNBAR, speaker of H. R.  
A. M. SCOTT, president of senate.  
Approved, Jan. 19, 1880.

GERARD C. BRANDON.

**March. HAIL STORM.**—Port Gibson was visited on the last of this month with a very violent and destructive hail storm. During its continuance, (about half an hour) all other sounds were drowned, in the rattling of broken glass and pelting noise of the hail on the roofs; and the streets presented a scene of wild confusion. Such a storm never before, it is said, visited the country since its settlement.

Hundreds of bushels of hail stones of various sizes and every shape, lay in the streets where the storm had passed over. Some were much larger than an egg, and the most common size was about as large as a walnut that were measured were more than six inches in circumference, and weighed an ounce and a quarter. On the same evening, we understand, a similar storm visited Natchez.

**July. THE MISSISSIPPI.**—A western paper states, that the agent employed by the government, Captain Shreve, has perfectly succeeded in rendering about three hundred miles of the river as harmless as a mill pond, and will, in the course of a short period, remove every obstruction from Trinity to Balize. His plan is to run down the snags with a double steam boat; the bows are connected by a tremendous beam plated with iron; he puts on a heavy head of steam; and runs the snags down; they are found uniformly to break off at the point of junction with the bottom of the river and float away.

## LOUISIANA.

**Sept. 1829.** The yellow fever prevailed with great violence this summer at New Orleans. It ceased about the 1st of November.

**1830. LEGISLATURE.**—The Legislature met at Donaldsonville on the 4th of January.

The Senate chose Mr Moreau Lislet as their President pro tempore, and adopted a resolution 10 ayes, 5 nays, declaring that the functions of Governor devolved on the President annually elected by them. That resolution having been sent to the House of Representatives, was rejected by that body—27 ayes 18 nays.

The Message of Mr Moreau, the acting Governor, was presented in both Houses on the 6th. It contained considerable portions of the Message taken up with a full allusion to the late Governor and his administration.

and with observations on the constitutional ambiguity as to the proper successor to the office of Governor when thus vacated. Measures are recommended for obviating difficulties on this subject hereafter.

The Governor recommends a revision of the law relating to the importation of slaves, and to consider whether the growing evil has not now reached such a height as to demand whether it may be advisable to prohibit their introduction altogether, or, at least, to fix the age above which they shall not be introduced.

Apprehensions have been entertained that the duties imposed on foreign sugars by the United States, might be reduced, and these apprehensions have spread great and serious alarm among those of our fellow citizens who are engaged in that branch of agriculture. 1

recommend to you to impress upon our representatives in Congress the absolute necessity for the safety of this state, that those duties should be maintained. Large capitals are embarked in this culture, the expenses attending it are enormous, reliance has been placed upon the faith of the nation, and a change in the system which has hitherto been pursued in this respect, would plunge this state into inextricable embarrassments.

'The law on the subject of *roads and levees* passed at your last session, needs, I think, some amendment.' One section requires that all the inspectors of the parish must assemble to order what works shall be done on the public levees. It often happens that they cannot all assemble. I think it would be better to fix the number necessary for this business at three fourths or two thirds.

'I would also recommend it to you to renew your exertions to obtain the share to which we are entitled in the proceeds of the sales of the *public lands* in this state; and also to endeavor to obtain from Congress a donation of some lands within the limits of Louisiana, which remain unsold. Their value to the United States is inconsiderable, to us their proceeds applied to the construction of new roads, and to the opening of canals by which the superfluous waters of the Mississippi may escape to the ocean, would be productive of great advantages—Louisiana would become more healthy—our brethren of the North might settle among us without dread of those autumnal fevers which sometimes rage with such fatal violence upon the banks of this mighty stream, and this beautiful and fertile region, and the great emporium of the West would be rendered secure from the danger of inundation.'

The question to which the death of M. Derbigny gave rise, was definitively decided on the 14th of January. The two Houses passed a resolution to have a Governor elected by the people on the first Monday in July next, who shall remain in office the space of four years. The Senate chose a President in the place of Mr. Beauvais, and the majority were in favor of Mr. Jacques Despre of Opelousas, who took the reins of Government until the installation of the Governor elect.

**EMANCIPATION.**—A law was passed at the session of the Louisiana Legislature; for 1830, providing for the expulsion of free persons of color. It

contains 17 sections, the purport of which is, that all free negroes, mulattos, and other free persons of color, who have come into the state since the 1st of January 1825, in violation of the Act passed on the 14th of April, 1807, or who may hereafter come into the state, shall be ordered to leave the same within 30 days, under penalty of one year's imprisonment at hard labor; and unless they depart in 30 days after the expiration of their sentence, the penalty shall be increased to imprisonment for life. An exception is made in favor of those holding property, on which they actually pay state taxes,—so far as to allow them one year before departure, on condition of giving security for their good behaviour, and that they will depart when the year has expired. Free persons of color who shall come into the state as seamen, &c, attached to any vessel; and who shall not depart with said vessel, provided he is destined for an outward voyage, or if not, who shall remain in the state longer than 13 days, are made liable to the same penalties as above provided. Free persons who shall knowingly bring or cause to be brought into the state, any free person of color, and shall hold him as a slave or offer to sell him as a slave, are made subject to a penalty of \$1000 for each offence, over and above the damages which may be recovered. Persons participating slaves are required to give bonds of \$1000 for each person so emancipated, conditioned on the permanent removal of the same from the state, within one month after the act of emancipation.

**Sec. 10.** *Be it further enacted, &c,* That if any white person shall be convicted of being the author, printer, or publisher of any written or printed paper or papers within the state, or shall use any language with the intent to disturb the peace or security of the same, in relation to the slaves of the people of this state, or to diminish that respect which is commanded of free persons of color for the whites, by the 40th section of an act entitled 'an act prescribing the rules and conduct to be observed with respect to negroes or slaves of this territory, approved June 7th, 1805,' or to destroy that line of distinction which the law has established between the several classes of this community: such person shall be adjudged guilty of a high misdemeanor, and shall be fined in a sum not less than three hundred dollars, nor exceeding one thousand dollars.

moreover imprisoned for a term not less than six months, nor exceeding three years; and if any free person of color shall be convicted of such offence, he, she, or they, shall be sentenced to pay a fine not exceeding one thousand dollars, and imprisoned at hard labor for a time not less than three years, nor more than five years, and at the expiration of such imprisonment, be banished from this state for life.

A law was passed making it punishable with death or imprisonment at the discretion of the court to do any act having a tendency to excite insubordination among the slave population.

It was also made an offence punishable with imprisonment of not less than one nor more than 12 months to teach a slave to read or write.

A law was also passed authorizing the Governor to surrender to duly authorized officers any persons charged with having been guilty of murder, arson, robbery, forgery, counterfeiting or rape in any foreign country; provided that such evidence be furnished of his guilt as would warrant his commitment for trial.

*Resolved, by the senate and house of representatives of the state of Louisiana, at general assembly convened,* That the general assembly of this state do not concur in the views and sentiments expressed by the resolutions of the legislature of the state of Mississippi, relative to the tariff of 1828; and that the legislature of this state does not perceive any unconstitutionality in adopting such measures.

*Resolved, &c.* That we highly approve of the resolutions of the legislature of Vermont, by which they have declared the law of 1828, on the tariff, to be constitutional, expedient, and harmless to the southern states, or any other of our sister states.

*Resolved, &c.* That our senators in congress be instructed, and our representatives requested, to accede to and support such measures as those that are contemplated by the law of 1828, on the tariff.

We understand that these resolutions passed the senate unanimously, and the house with only seven dissenters.

# ELECTIONS.

<i>July.</i> For Governor.	
Bienvenu Roman	3628
Beauvais	1478
Hamilton	2701
Randall	163

## Congress.

1st District	<i>E. D. White,</i>	
2d do	<i>Gen. Thomas,</i>	1040
	Ripley,	910
	Saunders,	515
3d do	<i>J. Bullard,</i>	1399
	Rust,	1182

Statement of the amount of Sugar and Molasses made in Louisiana in 1829.

<i>Places.</i>	<i>Sugar.</i>	<i>Molasses.</i>
	<i>Hhds.</i>	<i>Hhds.</i>
Point Coupee	535	212
West Baton Rouge	853	420
East Baton Rouge	555	260
Iberville	2219	998
Ascension	6576	3055
St James	8278	3638
St John the Baptist	9030	3851
St Charles	15017	7309
Jefferson	12636	5918
Orleans	2787	1164
St Bernard	7656	3611
Attakapas and Opelousas	6515	2814
Plaquemine	7592	3354
Bayou Lafourche	5913	2757
Barataria	1010	485
Total	87365	39871

## TENNESSEE.

*September, 1829.* The Legislature of this state assembled at Nashville on the 21st of this month. Dr Joel Walker, was elected Speaker of the Senate, and Wm. R. Hill and Gen. Wm. Martin, Clerk and Assistant Clerk. Ephraim H. Foster was appointed Speaker of the House, and Thomas J. Campbell, and Edmund W. Tipton, Clerks.

A Message was then received from His Excellency William Hall, the Governor. It calls the attention of the Legislature to the condition of the Judicial

System of the State, and recommends that some measures may be devised for the punishment of criminal offences more effectual than appear practicable under the present state of things. The multiplied acts of violence and outrage, are doubtless encouraged by the facilities with which the heavy sanctions of the law are wholly evaded. State-prisons and Penitentiaries on the plans of many of the other states are suggested.

The promotion of *Public Education* is next presented to the attention of the



Representatives of the state. The Governor asserts the duty of the legislature to cherish with parental care such resources as may be in their power, for the encouragement of schools, colleges and academies. A fund for the support of common schools in this state, to a considerable amount, has been already set apart. With the amount of capital now at our command for that purpose, it is not hoped for or expected that a successful plan could be immediately put in operation and sustained; but we should take care not only that there should be no waste of the original amount, but that there be a regular and reasonable increase.

The subject of *Banks* is next taken up, and the complaints that have been made particularly against the U. States Branch Bank noticed. Without conceding that there is properly any objection against the latter institution, that is not common to all the Banks, the Governor says, — 'The good or evil resulting from banking operations, whether of local or national institutions, seems even at this advanced period of our experiments in the science of government, to be still too much the subject of honest difference of opinion to justify positive conclusions for or against their general utility; and I submit with great deference, whether in the present posture of affairs, it would not comport with the best views of our own interests, consistency, and good faith, to direct the public attention to the support or opposition which our best judgments may dictate on a proposed renewal of corporate powers, rather than to an unprofitable conflict with existing establishments, whose honors are already numbered, and whose dealings are unexceptionable. As they were legally established, so they may at a proper time be legally removed.'

A small part of the *boundary* between the state and Kentucky remains unadjusted, and the subject is laid before the legislature.

*October.* William Carroll was sworn in as Governor of the State, for the ensuing two years, on the 1st of October, and on the 3d inst. he addressed the Legislature in a message of considerable length. The first subject considered is the *State Bank*, established in 1820, for sustaining the credit of the state, at a period of great pecuniary embarrassment — the redemption of its notes being secured by pledging the proceeds of the sales of unappropriated lands, and the ordinary revenue of the state not otherwise disposed of.

The causes for the establishment of this institution having passed away, the Governor is of opinion that good policy would demand a settlement of its affairs. He thinks it undeniable, 'that an agricultural people cannot afford by the small profits of their farms, to pay the ordinary interest upon borrowed money;' and adds, if this cannot be done with safety, the impropriety and bad consequences of borrowing from the State Bank must be admitted, especially, if it shall appear that the legal interest in most instances is not half the charge to which its debtors are made liable.' This he assents to be the fact, from the expenses attending the operations of renewal, &c. 'Since the adjournment of the last General Assembly, about three hundred judgments have been taken against debtors of the Bank of Kentucky, and it is not unreasonable to presume that at least one hundred have been taken at Knoxville. From this statement it clearly appears that the Bank debtors pay in interest and other charges, from twelve to twenty-five per cent upon every dollar they borrow.'

Besides the risk in employing as it does, not less than sixty-two agents, the annual expenditure of the Bank, agency included, is a tax on the people of not less than fourteen thousand dollars — the interest of nearly one half of the whole capital.

The Governor believes that the number of those indebted to the Bank is likely to increase; and that, as the ultimate result, the tables of the Legislature will be covered with petitions for relief. He refers to the history of the last twenty years in relation to the French Broad and Holston debts, and to the more recent case of the Hawesee land sales, and says, — 'Our experience furnishes but too much proof of the bad policy of the state's permitting its citizens to become its debtors; nor need anything more be added to show the total inability of a people engaged in the cultivation of the soil, to pay even legal interest upon borrowed money.'

He therefore recommends immediate measures to investigate and settle the affairs of the State Bank. The attention of the Legislature is then directed to a revision of the *Criminal Jurisprudence* of the State, as he thinks the unnecessary severity of the laws destroys their influence, by too often leading to acquittals and pardons. The introduction of the *Penitentiary system*, the most approved plans of some of the other States, is recommended.

*Internal Improvements* are next pointed out for encouragement.

As the means of the state may not justify the immediate commencement of such an undertaking, adequate surveys are recommended, as a preparatory step. The propriety of incorporating companies for the construction of turnpike roads and bridges, after the plans of other states, is also suggested:—

‘It is scarcely necessary to remark,’ says the Governor, ‘that our roads in the winter season are almost impassable, and yet we have stone in greater abundance and more convenient for the construction of roads, than any other state in the Union.’

The Message closes with proposing measures of relief to the purchasers of land at the Hiwassee sales, and to the citizens residing south of French Broad and Holston, in their debt to the colleges and academies of the state, which has been a source of much perplexity for twenty years; (and in both which cases the inability to comply with their engagements has grown out of the unfavorable circumstances in which the debtors have stood); with suggestions for the preservation of the 50000 stand of arms owned by the state, suffering injury and loss by the present regulations of turning them to volunteer companies;— and with congratulations on the prosperity of the state and the Union.

October 16. Felix Grundy was elected Senator in place of John H. Eaton, Governor's Secretary of War. The vote stood in Grundy 31, Anderson 17, Bledsoe 12.

The House of Representatives presented articles of impeachment against Nathaniel W. Williams, one of the Judges of the Circuit Courts of the state.

They substantially accuse the Judge of culpable neglect of official duty in sleeping at different times on the bench during the arguing of causes—being influenced by prejudice and partiality in his judicial decisions, and especially of improper conduct in relation to the private examination of Mrs Taul, respecting her signature to a deed for the conveyance of a lot of land in Nashville.

After a long trial during which strong political excitement was developed against the Judge, he was finally acquitted.

**LEGISLATION.**—The Legislature at this session passed a law, appropriating \$60,000 to East Tennessee; 60,000 to the Middle, and \$30,000 to the West-

tern District, for internal improvements. The whole to be placed under the direction of a Board of six Commissioners, two from each district; of which Board the Governor is to be chairman *ex officio*.

A law was also passed authorizing any man whose wife shall have three or more children at one birth, to take up 200 acres of the state lands for each of his children.

A bill to establish a penitentiary in Tennessee, passed both branches of the legislature. The sum of \$25,000 was appropriated, to carry the bill into effect and commence operations.

The official report of the revenue of the state of Tennessee for 1829, exhibited an unappropriated balance of \$57,467 40 cents.

May 31, 1830. Accounts from Shelbyville and Charlotte, describe a very violent and destructive *tornado*, which visited those places on the night of the 31st.—We quote from them as follows:

*Shelbyville* is in ruins. On Monday night, about 12 o'clock, it pleased Providence to visit this place with a most devastating hurricane. The Court-house, Market-house, Methodist Church, the brick Hotel, the Bank, and many other valuable buildings were prostrated in an instant. Five young men were killed, and many others bruised and wounded. About thirty-eight stores and shops, and ten or fifteen dwelling-houses were overthrown. I shall not attempt to describe the scene. No one heard the fall of a tree, or fence, or house. It was one constant, monotonous, shrill roar—the voice of the tempest; the lightning was a constant flash, rendering everything visible; the earth was covered with a sheet of water. From the Public Square east, all is in one undistinguished mass of ruins.

*Charlotte, June 1.* About 10 last night, our village was visited with a *tornado*, the violence and the destructive effects of which no tongue can describe. The wind approached the village from the southwest; although the appearance of the sky was frightful, and one constant glare of lightning inspired awe and alarm, yet no one anticipated, none could anticipate, and even now it is difficult to realize what the ravages of five minutes have produced. The only house in the town that entirely escaped injury is that occupied as a store by James Steel & Co.; and, with the buildings destroyed, nearly all their contents were swept away and lost. The Court-

house, a substantial brick building, is a heap of ruins. — The Jail is nearly level with the ground. The public records are lost, and the fragments of the buildings are scattered through the country for miles.

Under date of the 9th inst. the Nashville paper adds. — "Accounts continue to reach us of the destructive effects of the tornado on the night of the 31st ult. Upwards of fifty houses in Rutherford county, were either blown down or unrooted; and although many persons have been terribly wounded, yet no deaths in that county have yet been heard of."

**JUNE SPRINGS.** — An explosion took place in the bed of a Creek, about 12 miles from Nashville, on the 20th of June. The noise resembled that of blowing rocks; and on examination it was found that the rocky bed of the Creek was cracked and shivered to a great extent. Pieces weighing 2 or 300 pounds were broken off, and the earth and rock together were parted in a fissure extending near 40 yards. A spring issued from the edge of the Creek — the water, in taste and smell, resembling ~~that~~ which runs through a bed of stone coal.

**GOLD MINES.** — The gold region of this state is described in the following manner, by Prof. Troost.

"I have visited the Tennessee Ophir, which I believe contains more gold than the African Ophir — 'tis situated about ten or twelve miles to the south of the Tellico plains near the Unika mountain, in the Cherokee Indian settlement. The gold occurs in small grains, generally called gold dust, and is obtained by the washing of a stratum of 10 or 12 inches of soil. Judging from its local situations, this gold is not brought from a distance, but seems to have been produced by the disintegration of the rock of which these

mountains are composed. These rocks belong to the series of transition or rather to the clay slate formation. This slate has been filled with small tubes of iron pyrites which are now nearly all in a state of decomposition, leaving these cavities filled with the yellow iron ochre. These pyrites are often auriferous, and the gold not being susceptible of decomposition remains unaltered, and is disseminated through the soil by the disintegration of the rock, the lighter particles of which are carried away by the rains, &c, leaving the heavier ones still remaining among other gravel. This seems to have been the case with the gold region this state, because the gold is not only found in the small rivulets or brooks, but also on the declivities of the mountains, and near their very summits: so that this district may prove an inexhaustible source of wealth not alone for those who are collecting the metal, but particularly to the farmers of the surrounding country, who will find a market for their produce among the people who are working these mines. In fact produce has already risen in price in East Tennessee since the working of these mines in the neighboring state of North Carolina.

"The local situation of the present explored gold region is not well calculated for the operations of washing on a large scale. The water is not sufficiently abundant, and, judging from surrounding circumstances, I am induced to believe that it never will be, so that should my suggestions respecting the abundance of the metal prove true, it may be found necessary to transport the gravel about two miles, where there is a fine stream of water.

## KENTUCKY.

*December, 1829.* The Legislature met at Frankfort on the 7th Dec. John Breathitt, Esq. Lt. Governor, took the Chair in the Senate, and James Stonestreet was re-elected Clerk. In the House of Representatives, John J. Crittenden was chosen Speaker, and Robert S. Todd, Clerk.

A bill providing for calling a convention to amend the constitution of the state, after having passed the House, was rejected in the Senate, 18 Ayes, 19 Nays.

One of the objects contemplated by

those favorable to a convention, was the adoption of certain provisions by which slavery might be gradually, but finally, abolished in that commonwealth.

1830. A law was passed January 28th making it punishable with imprisonment of not less than 2 nor more than 10 years to entice a slave to leave his master to go out of the State.

Slaves ill treated by their owners were authorized to be sold by the Court, after proof of the same.

A common school system was established by law, passed January 29.

By this law the county Courts are authorized to divide their respective counties into school districts, in each of which three Commissioners are to be elected by the legal voters annually. These Commissioners are to apply the moneys raised within the district to the use of public schools, and are to be considered as a corporate body and empowered to hold property to an amount not exceeding \$50,000 to the uses of the school district.

The Commissioners are also to assess the voters in their respective districts from the tax list, and to divide the amount collected into 4 parts, each part to be appropriated to a quarter of the teacher's wages. A poll tax not exceeding 50 cents, may also be levied on each white male over 21. Widows, females sole and guardians of infants owning property within the district, are authorized to vote in person or proxy for Commissioners, &c. The tax on property is not to exceed 6 1/4 cents on \$100. Appeals may be had from the school district meeting to the county Court. These district meetings are empowered to lay such tax as is deemed necessary for the purposes of education—to designate a site for school—to authorize a school to be built, repaired &c.

No person is liable to school tax in a district where he is not a resident.

**January, 1830. PUBLIC INSTRUCTION.**—The Louisville Advertiser announces the establishment by that city of a school at the public expense, stated to be the first south of the Ohio. It is opened to the children of all the citizens. The number of pupils entered is 300.

**February** The Legislature having incorporated a company to construct a Rail Road from Lexington to the Ohio, which river it is to strike at Louisville, the books for subscription were opened at Lexington on the 9th inst. and \$310,000 were immediately subscribed. \$300,000 was the sum required before the charter could take effect. The distance is represented to be about sixty miles.

A report was brought in, January 27th, 1830, in relation to the resolutions of S. Carolina, accompanied by the following resolutions:

1. *Resolved, by the General Assembly of the Commonwealth of Kentucky, That it is a constitutional exercise of power on the part of Congress, to encourage and protect the manufactures of the United States, by imposts and restrictions on the goods, wares and mer-*

*chandise, of foreign nations; and that the acts of Congress usually known by the name of the tariff laws, are not only constitutional, but are founded upon principles of policy demanded by the best interests of the people of these states.*

2. *Resolved, That Congress does possess the power, under the constitution, to adopt a general system of internal improvements, as a national measure for national purposes.*

3. *Resolved, That this report and the accompanying resolutions, be forwarded by the governor of this commonwealth, to the respective governors of the states of South Carolina, Virginia, Georgia and Mississippi, as the expression of the views of the General Assembly of Kentucky, on the constitutional power of Congress over the subjects of domestic manufactures, and internal improvements; and for the purpose of ascertaining the views and opinions of the several states of the United States on the subjects.*

4. *Resolved, also, That the governor of the commonwealth be requested to forward them to the governors of the other states of the union, respectively, to be laid before the legislatures of those states, for their consideration.*

A substitute was proposed for the 1st resolution in these words:

‘Congress derives no power from the constitution to lay duties or imposts with a view to prohibit importations, (either partially or generally,) thereby destroying both trade and revenue, only intended to be regulated; and that the powers of Congress are not general, but special, not omnipotent, but limited, and defined by the constitution.’

This substitute was rejected, 82 to 12.

The following substitute was proposed for the 2d resolution:

‘That Congress has no power to establish roads and canals in the several states, other than post or military roads, and on those roads have no power to erect toll gates.’

‘To this it was proposed to add the words, ‘without the consent of the states.’ Both the substitute and amendment were rejected, 51 to 37.

The remaining resolutions were not contested. Some debate arose on the preamble, particularly in reference to the following sentence:

‘And the General Assembly of Kentucky cannot omit to avail itself of an occasion so appropriate, to call to its aid the oft repeated sentiments of their

most distinguished fellow citizen, *Henry Clay*, whose zealous and able exertions, and whose eminent services in support of both measures, have been only equalled by his ardent patriotism and unbending integrity.

Several attempts were made to exclude or modify this clause, but it was finally retained by a majority of 18 votes.

A Committee was also appointed to inquire into a practice prevailing in certain towns on the Mississippi of exacting wharfage from the boats on that river. This Committee reported that Congress had the right to regulate commerce between the several states and that these exactions were unequal, oppressive and contrary to the constitution. This resolution was passed and the governor was directed to transmit it with the report to the governors of Mississippi and Louisiana.

A resolution also passed authorizing the burning of \$270,414 of the notes of the bank of the commonwealth reclaimed from circulation.

A bill was reported for the repeal of the law allowing pay for slaves executed, the discussion of which caused much excitement. In the course of the debate, it was averred by a member, that the state of Kentucky contained one hundred and sixty thousand slaves, while only one-fifth of the tax paying whites were their entire owners, and that \$68,000 had already been paid from the state treasury as indemnity for slaves executed. The bill was finally laid upon the table, to make room for a substitute, imposing a tax of one fourth of one per cent upon the value of all slaves in the state, for the creation of a fund to meet such disbursements. Both bills, after much debate, were lost, leaving in force the old law as it originally stood, and causing great dissatisfaction among the non-slave-holding population. A bill subsequently passed to a third reading in the house, prohibiting the bringing into that state any slave for sale or as merchandise, which did not however become a law.

## OHIO.

**STEAM BOATS.**—The improvement of the western country has been, for the three or four past years, without a parallel in the history of new settlements. Causes of great magnitude and power generally operate slow results. In nothing has this been seen more clearly, than in the results of the application of steam power to transportation on the western waters. This power, of immense influence everywhere, from the physical conformation of the western country at once promised a bearing upon the interests of the west, which, perhaps, exceeded that which it could have upon any other country of equal extent. The rivers in those states are of immense length, compared with those of most other countries. They have, for the most part calm and unbroken, but strong and powerful currents. They are almost interminable natural canals, interwoven by a complicated tissue of hundreds of boatable lateral branches. No other river, it is believed, on the globe waters so many and so remote shores, as the Mississippi. Nor can any other be compared to it, in regard to the extent of its steam navigation. Taking lakes and all sorts of boatable waters into the computation, it is believed, that the Mississippi and its waters offer, without

calculating any artificial canal in the account, 50,000 miles. This immense alluvial valley, probably the most extensive and fertile known on the earth, is all the theatre of steam-boat navigation. Steam vessels traverse it in every direction, and form by far the most general and important facilities of transport and travel for great distances, which the country offers. Had it not been for the invention and application of steam to propelling boats on the water, the western country would have been at this time, a vast extent of sparsely peopled forest, cultivated by farmers, of habits, and in a state of improvement, like the people of western Virginia, and those of the interior of the western states. It would, perhaps, have contained 1,000,000 people—leading the habits of hunting, pastoral, and agricultural life, equally happy, it may be, with the present inhabitants—but much more rude, simple and hunter like in their modes and appearance. The dense population, the large towns, most of the manufacturing establishments, the municipal improvements, the advances, real or pretended, in literature, the taste for modes, fashions and ways of living, now witnessed in the western states, identifying the manners and wants of their population with

those of the Atlantic cities, may be mainly traced to the influence of steam boat navigation. The first steam boats began to run in 1812; and a trip from New Orleans to the mouth of the Ohio in thirty days was blazoned in the western papers, as an achievement of incredible advancement in steam boat navigation. They would make the trip in 9 days from New Orleans to Louisville, 450 miles farther. The number of steam boats by degrees advanced from 1 to about 250, the present number. They are of every amount of tonnage, from 50 to 500 tons, and every degree of improvement, from the rude steam hulk, in which cattle and horses are transported to New Orleans, to boats of the most sumptuous show, and the most ingenious arrangement for comfort and luxury.

The diffusion of books, papers, pamphlets, and generally the means of information and improvement has been of late years, great and unquestionable. Newspapers in this state have tripled in number, and advanced more than that in general improvement. There are not far from 100 periodicals in the state of Ohio.

The paper of the western country has hitherto been of the darkest appearance and meanest texture. Efforts are commencing to improve this very important manufacture. Chloride of lime is introduced for bleaching, and a marked improvement in the appearance of the paper has been the consequence. School books to a great extent are published among these, and other and more miscellaneous publishing has been commenced in Cincinnati, Pittsburgh, Lexington, Nashville and New Orleans.

In common with the other parts of the union, they have too great a number of seminaries, dignified with the names of colleges and academies. These almost innumerable rival institutions prevent the development of any first rate seminaries.

But an era, incomparably more important than any other, in western education has dawned, in the commencement of the free school system, on the principle of those of the eastern states. The state of Ohio, now containing nearly a million of inhabitants, has set the example. It was a long struggle with prejudice, before the system received the sanction of legislative enactment. — A law was adopted by law, it was not for three years before it went into any considerable operation, and it is even now far from being universally

carried into effect. But the progress is strong and irresistible over all the state, and it daily becomes more popular.

In Cincinnati, the first anniversary of free schools was kept in the summer of 1830. Eighteen hundred scholars, almost exclusively children that had previously been little instructed in any school, were arranged under their several banners, and marched to the sound of music to the first Presbyterian church, where an address was delivered to them, in which the speaker stated, that forty years preceding the spot on which that church was built was a wilderness, the abode of Indians and wild beasts. It appeared, that about 3000 pupils belonged to the free schools of Cincinnati. The laws regulating these free schools differ from those of New England but little, except in points adjusted to the peculiar organization of western society. For instance, black and colored people are not assessed for the maintenance of these schools — nor are their children instructed in them.

The example of Ohio has had its influence upon other western states. Indiana has appointed a committee of its legislature to report upon the expediency of adopting this system. And if we may judge from the tenor of communications in the papers and pamphlets upon education, the system is making steady progress in all the western states, and will shortly be adopted as in Ohio.

**CANALS.** — The construction of the Ohio canal (the commencement of which has been heretofore mentioned,) was prosecuted this year with great activity. It was contemplated that from lake Erie to the Licking summit, 190 miles would be finished during the season. The average cost on this section amounted to \$10,977 per mile. The first boat which passed from Cleveland to Newark, arrived at Newark on the 10th of July 1830, and by the 1st of September \$20,000 had been received from canal tolls.

The residue of the line, 119 miles, together with a feeder of 11 miles, is under contract to be finished at different periods previous to the first of June, 1831.

The total cost of the Ohio canal is estimated at 3,584,367 96, that of the Miami canal at \$759,666 48.

The cost of repairs and additional work on the Miami canal during the year 1829, was \$11,334 83.

The great canal is to pass through the town of Chillicothe, and a considerable

water power will be created by its locks ; and a powerful impulse to manufactures is expected. Twenty years ago, bar iron, nails, &c. were brought from distant places to Chaffcothe — iron cost 18¢, and nails 25 cents per lb. The best quality of iron, made in the neighborhood, now sells at 1½ cents, and nails are worth only 7 or 8¢. Iron ore is plentiful.

It has been proposed to unite the Miami canal, connecting Cincinnati with Dayton, with lake Erie and with the Erie and Ohio canal, by rail roads. The same project has been seriously contemplated, in regard to the proposed Wabash and Erie canal, upon which the legislature of Indiana have legislated so far, as to appoint commissioners to survey the route from the Wabash to the Miami canal. A rail road is contemplated from the boatable waters of Fever river to those of lake Michigan, by which the Galena lead may be conveyed from the mines to lake Michigan, and thence to New York.

The magnificent work, which has been some years in progress, to unite lake Erie with the Ohio by a canal, commencing at Cleveland and terminating at Portsmouth on the Ohio, it was thought, would be completed by the fourth of July of 1831. The greater part of the canal will, no doubt, be in operation at that time. But the complete union of the lake with the Ohio cannot be expected before 1832.

The Delaware and Ohio canal is in operation for the greater part of the long distance between Philadelphia and Pittsburgh. From the western slope of the Alleghany to Pittsburgh, the canal is complete. About forty miles of the distance over the mountains are still wanting to complete the chain of communication. The project of tunneling the mountains seems to be abandoned, and the present plan is to connect the eastern and western links of this long line of canal by an intermediate rail way over the mountains.

It was contemplated to make a canal from the Wabash to unite with the Miami canal, on the supposition, that the latter would be continued from Dayton to lake Erie. A committee of the legislature of Ohio has reported unfavorably to continuing this canal to the lake, partly influenced by the apprehended fear of the want of sufficient water, without constructing artificial reservoirs, and partly, it is supposed, by a generally growing persuasion, that rail roads will supersede canals. The contem-

plated canal for the state of Indiana from the Wabash to the Miami canal, will probably fall with this, as the legislature of that state seems to have become strongly impressed, that rail roads will supersede canals.

**GENERAL LEGISLATIVE MEASURES.** — Governor Trimble's message was delivered to the legislature on the 9th of December. It is a direct and sensible exposition of the general condition of the State. It alludes to the delays in justice in consequence of the resignation of some and illness of other of the supreme judges, and recommends a special term of the supreme court to relieve the docket. With regard to the treasury, the disbursements during the year are stated at \$209,708, leaving a balance in the treasury of \$6000. The money received from the sale of lands granted by Congress to the state to aid in the construction of her canals, amounts to \$65,000. It suggests that the members of Congress from that state oppose the bill reducing the price of public lands to 25 cents per acre, as detrimental to the interests of the state, by depreciating and unsettling the value of its lands. The navigation of the Miami canal has been uninterrupted during the year, and the amount of tolls is stated at \$50,000, fifty per cent beyond the receipts of the preceding year. The northern division of the Ohio canal from Cleveland to Newark, was navigable from the middle of August ; the amount of tolls to the close of the season is estimated at \$20,000 making an aggregate of tolls from the canals of \$80,000. Even this partial experiment of Ohio canals seems to have equalled the public expectations. The southern division of this great work has been pushed rapidly during the past year ; and it is believed that another year will complete it, and the whole line, from the Lake to the Ohio river (commenced in 1825), be made navigable in the spring of 1832. The common schools have gradually increased ; it is estimated that not less than 360,000 children receive, or are entitled to receive, instruction in these primary schools. The colleges and academies are flourishing, and the female academies increasing. There are 130 students at the medical college at Cincinnati ; and 18 pupils receive instruction at the deaf and dumb asylum. The penitentiary, or State prison, is spoken of as a neglected and sinking institution. It requires renovation. The militia returns show a force of 116,000.

STATISTICS OF OHIO.

	1826.	1829.	1830.
Acres of land, (assessed)	<i>acres</i> 13,763,574	15,878,171	15,525,318
Value of lands and buildings	<i>dollars</i> 35,217,035	41,193,000	40,152,151
Value of town lots and buildings	1,082,114	8,230,985	8,327,151
Horses — value	1,878,240	7,012,760	7,103,840
Cattle — value	2,028,852	2,756,768	2,853,824
Merchants' capital	2,162,118	3,950,156	3,987,235
Carriages — value		25,310	29,212
State tax and Canal tax	106,669	193,609	224,484
County tax and School tax	187,563	173,903	221,267
Road tax	91,846	71,950	61,807
Township tax	22,231	52,096	44,754
School tax	10,613	47,892	

The regular taxes thus appear to amount to \$539,540 — in 1826, \$366,915.

On Lawyers and Physicians in 1830, \$1,528. The total taxes in 1830 amounted to \$577,576.

TREASURER'S REPORT.

Balance in Treasury, Nov. 15, 1829,	-	\$0,280 56 0
The amount of the United States Military School Fund remaining in the Treasury on the 15th Nov. 1829, was	4,586 27 1	
From which deduct the amount of drafts drawn and redeemed since the 15th Nov. 1829,	67 10 0	
Balance of said Fund remaining in the Treasury	-	4,519 27
The amount of the Virginia Military School Fund, remaining in the Treasury on the 15th Nov. 1829, was,	7,671 46 1	
The amount received for rent of lands and interest on said Fund since the 15th of Nov. 1829, is	7,494 01 7	
Total amount of said Fund	\$15,165 50 8	
From which deduct the amount of drafts drawn on the Treasury and redeemed since the 15th Nov. 1829	8,746 34 8	
Balance remaining of said Fund	-	6,689 16 0
The amount received of the Superintendent of the Miami and Western Reserve Road, since the 15th Nov. 1829	-	219 44 0
The amount of the three per cent Fund, remaining in the Treasury on the 15th Nov. 1829, was	10,001 96 2	
The amount received from the Treasury of the United States on account of said Fund since the 15th Nov. 1829, is	12,371 21 0	
Total amount three per cent Fund	\$22,373 17 2	
From which deduct the amount of drafts drawn by the Auditor, and redeemed at the Treasury since the 15th Nov. 1829	15,130 17 4	
Balance of three per cent	-	7,242 99 8
Aggregate balance in the Treasury	-	\$21,951 43 7

The following statement will exhibit the amount of moneys received into the Treasury, and paid over to the Canal Fund Commissioners on account of the Ohio Canal since the 15th Nov. 1829.

The amount of money in the Treasury on the 15th of Nov. 1829, to be drawn for Canal purposes, was	5,705 87 1
The amount received for tolls and donations since the 15th Nov. 1829	74,904 47 8



The amount of revenue collected for Canal purposes for the year 1829	90,040 84 6	
The amount appropriated from Revenue by the last General Assembly, for same purpose	20,000 00 0	
Total revenue for Canal purposes		110,040 84 6
The amount of money in the Treasury on the 15th Nov. 1829, arising from the sale of lands granted by Congress to aid in the construction of the Ohio Canal	25,317 00 0	
The amount received for sale of said lands since the 15th Nov. 1829	54,468 67 0	
Total for Ohio lands		79,780 67 0
The amount of money remaining in the Treasury on the 15th Nov. 1829, arising from the sale of school section, No 10, was	26,636 39 2	
The amount of money received from the sale of said lands since the 15th of Nov. 1829, is	55,989 91 9	
Total of section sixteen		82,626 31 1
The amount of the Virginia Military School Fund in the Treasury on the 15th Nov. 1829, was	35,830 59 3	
The amount received for the sale of said lands since the 15th Nov. 1829	11,183 72 3	
Total of said Fund		47,014 31 6
The amount of the United States Military School Fund remaining in the Treasury on the 15th Nov. 1829, was	17,955 15 1	
The amount received for the sale of said lands since 15th Nov. 1829	9,940 35 5	
Total of said Fund		27,895 50 6
The amount of money in the Treasury on the 15th Nov. 1829, arising from the sale of Salt reserves, for the use of Common Schools	9,009 54 0	
The amount received from the sale of said lands since the 15th Nov. 1829	1,991 66 3	
Total of said Fund		11,001 20 3
The amount of money received from the sale of lands granted for the benefit of the Ohio University, in the Treasury, Nov. 15th 1829		920 35 0
Total amount paid to the Ohio Canal, since the 15th Nov. 1829		\$139,892 05 1

# AUDITOR'S REPORT.

The amount of money paid into the Treasury, by the several County Treasurers, for tax levied and collected, for State and Canal purposes, for the year,	\$173,529 16 4
The amount of money paid into the Treasury, for tax levied for State and Canal purposes, for the year, including arrears of tax therefor	6,551 52 5
The total amount of tax levied and collected, for State and Canal purposes, for the year 1829, is,	\$180,080 69 2
The amount of money paid into the Treasury, for County and Township purposes, and on lands delinquent and in arrears for taxes, for the year,	9,762 5
The amount of money paid into the Treasury, by the several County	

Treasurers, for taxes on lands delinquent prior to the year 1829, is,	2,848 55 6
The amount of money paid into the Treasury by the County Treasurers, for tax levied and collected on Attorneys and Counsellors at Law and practising Physicians and Surgeons: also, for license to Pedlars and travelling Merchants for the year ending as aforesaid,	2,700 07 0
The amount of money paid into the Treasury for tax levied for the year 1830, is	369 10 9
The amount of money paid into the Treasury by sundry Banks, under the act to amend the act, entitled 'An act to incorporate certain Banks, and to extend the charters of existing incorporated Banks,' is	4,979 99 6
The amount of money paid into the Treasury by the Auditor of State, for certified copies of surveys and other documents, received for the year ending as aforesaid	15 00 0
The amount of money paid into the Treasury for the redemption of lands sold for taxes, is	154 40 0
The amount of money paid into the Treasury for rent received on lease of Farm in Chautauque county	120 00 0
The amount of money paid Fund Commissioners out of the General Revenue, transferred and charged to Canal Fund	150 00 0
The amount paid by the Agent of the Protection Insurance Company at Zanesville, under the 'Act to tax Insurance Companies,' after deducting the amount of 1 per cent, the County Treasurer's per cent thereon	48 00 0
The amount of money collected on a judgment for costs of prosecution of Beeson, a convict sentenced to the Penitentiary from Stark county	80 90 0
The amount paid for one load of Wood	1 00 0
The balance charged to the Treasurer on the 15th day of Nov. 1829	15,623 22 7
Total amount charged to the Treasurer, Nov. 15, 1830	\$215,984 56 5
From which deduct the amount of Audited Bills received at the Treasury between the 15th Nov. 1829 and the 15th Nov. 1830	92,353 37 0
The amount collected and paid into the State Treasury for Canal purposes for the year 1830, and carried to the credit of the Canal Fund	90,040 31 6
The amount appropriated from the General Revenue for Canal purposes and carried to the credit of said Fund	20,000 00 0
The amount of interest on the Virginia Military School Fund, which accrued prior to the 1st Jan. 1830, and transferred to the credit of said Fund	1,941 90 8
The amount of interest paid out of the General Revenue, on the amount arising from the sale of School Section 16	955 86 6
The amount paid to the order of the Governor, for the Deaf and Dumb Asylum	500 00 0
The balance of amount loaned to George Jackson and John Matthews, Feb. 9, 1819, on which judgment was obtained and paid over to the Canal Commissioners	3,916 63 0
Total sum credited	\$209,708 12 0
Leaves charged to the Treasurer for ordinary revenue purposes, on the 15th Nov. 1830	6,280 44 5
The payments made on account of the several appropriations for the expenses of Government, for the year 1830, are as follows, to wit: To the members of the General Assembly, their clerks and door keepers	20,085 71 0

To the Governor, Secretary of State, Auditor and Treasurer of State, Judges of the Supreme Court, Presidents of the Courts of Com- mon Pleas and Chief Clerk in the Auditor's office	17,623 83 0
For the Ohio Penitentiary, a balance of 1829	391 08 0
For the same, for the year 1830	10,014 42 0
To John Bailhache, State printer, for printing the Laws and Jour- nals of the last General Assembly	4,300 00 0
To sundry counties, for their proportion of tax paid into the State Treasury for county and township purposes	10,346 22 0
For paper for the use of the State, for 1829 and 30	5,111 60 0
For certificates of Wolf scalps	2,928 50 0
For distributing the public arms	1,637 89 0
To the Adjutant and Quarter Master Generals and Brigade Inspec- tors	1,784 00 0
For refunding taxes, twice or improperly paid	1,495 88 0
For the Contingent Fund for Governor	1,388 23 0
For the Contingent Fund for Auditor	1,783 37 0
For the Contingent Fund for Treasurer	51 80 0
Distributing Laws and Journals of the last General Assembly	451 86 0
For selling and stitching same	287 25 0
To sundry County Treasurers for their mileage travelling to and from the seat of government, making their annual returns	1,085 11 0
For the payment of Registers and Receivers of Ohio Lands, their per centage on the amount of money received for the sale of said lands	1,125 31 0
To John M. Walcutt, appointed to appraise the property of the State in the hands of the late Keeper of the Penitentiary, whose term of office expired on the 1st of March last	22 00 0
For the education of the Deaf and Dumb	500 00 0
For money deposited for the redemption of lands sold for taxes	338 15 0
For new entries from the land offices	285 87 0
To the Librarian, his salary	800 00 0
To officers and witnesses attending upon Division and Brigade Courts Martial	280 25 0
For the payment of interest on the amount arising from the sale of College lands for the Ohio University	2 83 0
For periodical works, and the purchase of books for Library	350 00 0
For the payment of Fund Commissioners out of the general reve- nue, and charged to the Canal Fund	150 00 0
To the Reporter of the Supreme Court	300 00 0
For the purpose of subscribing for the Reports of the Supreme Court	217 00 0
For sundry small appropriations	737 27 0
<b>Total expenditures for 1830</b>	<b>92,185 46 0</b>

**MEDICINE.**—In 1829-30, new modes of treating disease began to excite attention in Ohio. The party introducing the new system were called steam doctors; because steaming their patients with decoctions of herbs made a conspicuous part of their practice. They numbered their decoction, one, two, three &c., and in their recipes enjoin No. 1, 2, &c. They declaim vehemently against the deleterious tendency of mineral medicines, forgetting the terrible efficacy of prussic acid, the oil of tobacco, and various preparations from the vegetable kingdom. A great object with these sweating, or as they call themselves reformed doctors, is to inculcate, that every man

ought to be his own doctor; and to furnish each family with decoctions, and vegetable remedies to such an extent, that every man can be his own physician. There can be little doubt, that if every family were to supply themselves with these comparatively cheap medicines, as many would have no use for them from general health—quite as much money would be expended, on the whole, as by the present modes.

The steam doctors had their advocates andologists, and they were assailed by the regular school with all the arms of ridicule. The regular physicians are not agreed among themselves. Not so the steam doctors. A new sect, with

the zeal and freshness of proselytism still upon them, kept together by the ridicule and opposition of the regular physicians, and bound together by a kind of masonic tie, they everywhere act in concert, and operate with the consequent moral energy and effect of union. In Ohio they have obtained a legislative incorporation for a medical reformed college at Washington, which has already been opened, and a course of medical lectures commenced there.

The effect upon society has been not wholly unlike the introduction of a new religious sect. Families, circles, neighborhoods have taken sides, and the question of steam doctors and regular doctors has been agitated with no inconsiderable asperity.

**GEOLOGICAL DISCOVERIES AND PHENOMENA.**—Scarcely a week elapses, in which in the great western valley, some perforation of the earth does not disclose new proofs of the former habitancy of this country, by comparatively civilized people. At first, when facts of this bearing were presented, they were considered, as wanting evidence and credibility, and originating in the imaginations of the pretended discoverers.

After many isolated discoveries had borne when united a concurrent and irresistible testimony, it became the prevalent fashion to refer them to the Spaniards, to the first adventurers travelling up and down our rivers, and to rapid alluvial changes, which, in half a century, had covered the recent historical monuments deep in the earth. It is incredible, that such cause should have operated such results, in places so various and wide from each other. Besides, the discoveries were of a class not to be referred either to Spaniards or adventurers of our people. The swords of iron, the coins, the regular walls of masonry, and other indicia too numerous to record, concur with recent unquestionable discoveries, not only to confirm the conviction of the former habitancy of this country by a comparatively civilized people, but to prove, that this epoch of habitancy preceded that of the races, who erected the mounds of the western country, and left them filled with their bones, their rude pottery, and other works of art. The excavation of the Louisville and Portland canal, it is well known, is a work of prodigious labor and expense. The excavation exceeds forty feet, and for a greater part of the distance is through solid lime stone. It has been conducted by men, certainly

no ways interested in diffusing false views in regard to antiquarian speculations, and in search of anything, rather than organic remains. But in the alluvial stratum above the lime stone, bearing as little the appearance of having been disturbed by human labor, as any other portion of the country, at the depth of from between fifteen to thirty feet from the surface, the workmen came upon a cemetery. Human bones were found in abundance of a dark color approaching to blackness. Horns, teeth and various other organic remains were discovered with them, and of the same color. Some of the human skeletons were in an erect position. In the hand of one was a beautifully polished stone of the shape and half the size of a large orange. The hand was raised to the height of the head, the arm forming with the horizontal line from the shoulder an angle of 45 deg. Near the skeleton, and at about the same depth, were the remains of brick and lime-stone hearths. The bricks were of an appearance, shape and color, much like the modern. The lime-stone was wrought to a smooth surface, and on it were found quantities of charcoal, evidently formed from the last kindled fires on the hearths, which, in those unknown epochs, had probably diffused the light of domestic cheerfulness. This is but one of a hundred testimonials to the former habitancy of this valley by people entirely unlike the present Indians, in the unknown ages of the past.

We may indeed observe the western country from the lakes to the mountains, and the gulf of Mexico, exhibits the appearance of very recent alluvial or water formation. The rocks of the whole region are full of embedded organic remains. These remains, such as ennerites, teretribulæ, and even deer's horns form no inconsiderable constituent part of the very texture and substance of solid lime-stone rocks. They are found in immeasurable masses in the bluffs of the Ohio, Mississippi, Missouri, Cumberland, Tennessee, and in fact of all the large rivers. It is a striking appearance, to note these beautiful little scallop marine shells, making a considerable part of blocks of solid lime-stone at the foot of the rocky mountains, and on the highest hills of the interior at such great distances from the sea.

In 1829 and 30, discoveries of the organic remains of some large animal, by some supposed to be of the marine class, were made at Plaquemine on the Mississippi, below New Orleans. Some re-

mains have recently been found in Kentucky, counted to be much larger than the mammoth bones found at Big Bone Lick.

**RELIGIOUS AND LITERARY INFORMATION.**—A new sect appeared in Ohio in the summer of 1830. They assume to have a new revelation, found under miraculous circumstances, under a stone. They made some progress in the interior of Ohio, so far as to have baptized 2 or 300 persons into the new religion. The leaders are exceedingly illiterate.

The followers of Alexander Campbell, called Campbellites, increased in number in 1829 and 30. Very few living leaders of sects have acquired a greater number of followers, personally acquainted with the leader, of a more extensive or deeply founded influence.

Great alarm was manifested by other religious denominations at the evident progress of the Catholics in the western country. Acting in perfect concert, and with the concentrated energy of wise plans and strong pecuniary resources, there can be no doubt, that they are making great advances in numbers and importance.

In 1829-30, schisms have grown up in the Methodist church and among the quakers, in the western country, corresponding to the same schisms, which have previously existed elsewhere.—In the Methodist church the seceders are generally called Radicals, and they call themselves the Reformed Methodists. They object to the Episcopalian sternness of the old Methodist establishment, as giving too much power to the bishop and clergy and too little to the laity. They are more democratic in their ecclesiastical regime, and they hold less to the inherent rights and immunities of the ministry, and represent, that all its claims are founded on personal worth and sanctity, without any prescriptive claims on the score of the

ministerial office. Hence they hold much to lay instruction, and performance of public religious duties.

The schism among the quakers has separated from the ancient or orthodox quakers, a considerable portion of their community, who call themselves Hicksites, or followers of Elias Hicks.

Revivals in some of the churches, during the two past years, have been numerous and attended with many of the circumstances of high excitement, which are recorded of the Whitefield revivals, so celebrated in the former days of the church. There have been *anxious seats*, inquirers in spasms, hundreds received into the church at a time,—and, what is almost unprecedented in the history of revivals, Presbyterian church camp meetings. A number have been held at no great distance from Cincinnati, attended by all the peculiar circumstances, which have been formerly recorded of such meetings.

The preachers connected with these revivals have urged as prevalent motives in their preaching, that the end of the present system of things, is to be expected, in the fulfilment of the prophecies, some time between the present and 1848. This motive has been pressed with great vehemence and earnestness, though it cannot be perceived, that they, who advance them, appear to attach less value to tenures which extend beyond 1848, than other people. Unprecedented exertions have been made, by the Presbyterian denominations, to extend sabbath schools in all parts of the Mississippi valley. Subscriptions to the amount of 10,000 dollars have been raised in the Atlantic states for this purpose, which have been met with very respectable contributions in the western country, and the effort, systematic and vigorous to extend these schools on every side.

## INDIANA.

**FINANCES.**—The expenditures during the year 1829 were \$42,392 48. The receipts were \$11,036 72, which with \$11,323 39 in the Treasury at the beginning of the year, makes a total of \$52,356 11, and a balance in the Treasury on the 5th Dec. 1829, of \$9,961 63.

The legislature at its session held at Indianapolis commencing the 1st Monday of Dec. 1829, among other laws, enacted that the laws concerning divorce should

extend only to persons who had resided within the state for one year.

A law was also passed exempting soldiers of the Revolution from imprisonment for debt.

The establishment of Medical Societies was authorized and professional services by persons not licensed to practice medicine were declared not to be recoverable by law.

A law was passed that no sale should

be made of the school lands in any congressional township unless a majority of all the qualified voters of the township are in favor of it.

**June, 1830. INDIAN TRIAL.**—A Miami, Nowelinggua, was tried at Fort Wayne, on the 9th, on a charge of murder for killing a woman who was his slave. The indictment was interpreted to him, and he was asked to say whether he was guilty or not guilty. He answered, 'I do not deny having killed the woman; she was my slave, and by the laws of the nation I had a right to do so. She had stolen one of my children, and I had not seen her afterwards until the day when I was put in jail, when I met her at Fort Wayne and killed her. If my fathers, when they purchased our lands had told me it was wrong, I should never have attempted it.'

The court ordered the plea of Not Guilty to be entered by the clerk. In the trial a variety of argument was used of no particular interest here, on the subject of the relation in which the accused stood to the laws of the state; and it was contended that the lights of knowledge and revelation had never been extended to him; and that it would be cruel to make him accountable to laws he had no agency in enacting, and about which he could possibly know nothing. When the case was submitted, the jury, in about forty minutes returned a verdict of guilty of manslaughter. Punishment—two years in the state prison and to pay a fine of one cent. At the foot of the verdict the jury unanimously recommended him to a pardon.

The counsel for the prisoner expressed a wish that the court would unite with the jury in recommending him to the clemency of the executive. The verdict was then explained to the prisoner, who was asked, 'what he had to say why judgment should not be pronounced against him?' He seemed much depressed, and said he had nothing to say more than he had said. The court proceeded to pronounce sentence, having previously spoken of the nature of the offence, and the light in which it was viewed by the laws of the land. They then explained to him the lenity of the jury, and that, perhaps, they would unite in recommending him to a pardon. This revived him much; and he assured the court if he was released, he would go home and kill deer and raccoon, and only try to make an honest support for his family—he would not strike even one of his own dogs. While in prison he had often talked of his wife and children, and cried, and expressed a desire to return to them, not more on his own account than theirs.

Nowelinggua is a good looking Indian, of middle stature, his countenance open and manly, and he has the reputation among his people of being a good man. Several of his people were present during the whole progress of the trial, and among them his grandmother, said to be over ninety years old. They seemed to take much interest in the event, but conducted themselves with good order and propriety. He was splendidly dressed according to the Indian manner.

## ILLINOIS.

**GENA.**—This town is situated in the state of Illinois, at the head of steamboat navigation on Fever or Bean river, six miles from its mouth, and two and a half miles east from the Mississippi, and is north of St Louis, *Mi.* 500 miles. The lead mines in the neighborhood are capable of supplying lead for the consumption of the whole country; and recently a new source of wealth has been discovered in valuable copper mines. The tract in which this mineral has been found, is twentyfive miles long and three or four in width; its manufacture will be immediately commenced, and from its abundance it will become an article of exportation.

In the neighborhood of the town, are

found extensive quarries of soap-stone, which it is thought will be of great service in the construction of ash furnaces or any other requiring a considerable degree of heat. Beautiful white clay is also found in large veins, which is sought after by the Indians, to use as a paint for the decoration of their persons, and which will prove valuable hereafter in the manufacture of porcelain.

In 1827, 2,133 permits to miners and four licenses to smelters were granted, and the quantity of lead made at the mines amounted to 6,824,389 pounds. In 1828 the permits were 1,944 and the licenses were 31, and the lead made amounted to 12,957,100 pounds.

## MISSOURI.

July 22, 1829. INDIAN HOSTILITIES.—A rencontre took place this month between a part of Ioway and Sack Indians, and a body of white men in the county of Randolph, near the head waters of Chariteau river. The Indians had located themselves at this place as a hunting party, and the country was also used by the whites for grazing their cattle, while a party of the whites were so engaged, a company of the Indians took possession of the cattle and drove them off. From twenty-five to fifty of the frontier inhabitants immediately embodied and pursued the Indians, who were found encamped. The whites demanded the cattle which had been stolen. The Indians refused to surrender them, at the same time threatening that if the whites did not leave the country as soon as possible they would kill every one of them.

The whites then told them to stack arms, which they refused to do—and immediately commenced cocking their guns. The whites then thinking that it was useless to reason further with them, and seeing that some of the Indians had their guns to their faces, discharged one of their guns upon the Indians. A conflict then ensued in which John Myers, James Winn, and Powell Owenshey were killed—four others wounded—two dangerously, and two slightly. The loss of the Indians was said to have been ten or twelve killed. The action continued for a few minutes, when the whites retreated with three of their wounded, leaving the fourth behind, who was supposed to have been killed.

The number of the Indians was estimated from seventy-five to a hundred and fifty. The Governor of Missouri called out a thousand militia for the protection of the frontier, and also re-

quested the aid of the United States troops. A body of men was despatched in pursuit of the Indians, but returned without having seen any Indians, or the signs of any but such as were supposed to have passed seven or eight days previously, who were probably the retreating party.

1829. INTERIOR TRADE WITH MEXICO.—An article from Fayette, Missouri, of Nov. 1, thus notices an arrival from Santa Fe:

‘From fifteen to twenty of our citizens, consisting principally of those who left here in May last, have just reached their homes in good health and spirits, having realized an average profit on their investments of about 100 per cent. The aggregate amount of their returns, I understand, is computed at \$210,000.

Accompanying the traders are several Spanish families of the class who were expelled from the Mexican republic, by an edict of the government, at the commencement of hostilities with Spain, and who have chosen a refuge and a home among us. They were escorted by a body of Mexican troops to the boundary line between their government and ours, where Major Riley’s command was stationed, and thus the protection of a military escort was afforded through the whole extent of country from Santa Fe to our frontier.

‘I am pained to add that Mr Samuel Craig Lamme, a merchant of Franklin, and last of Harrison county, Ky. lost his life in this adventure, in a rencontre with the Indians, some distance in advance of the main company. Two Spaniards and one of Major Riley’s men, are also reported to have been cut off by the Indians.’

# PUBLIC DOCUMENTS

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## I.—DOMESTIC.

### *Message from the President of the United States, to the Twenty-first Congress.—First Session.*

Fellow-Citizens of the Senate,  
and House of Representatives.

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the Seat of Government, to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the Constitution, to present to you, as the Federal Legislature of twenty-four sovereign States, and twelve millions of happy people, a view of our affairs; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time, it is, to me, a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind; and that our country exhibits the most cheering evidence of general welfare and progressive

improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other Powers, of deep interest, as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with everything which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the Executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is



wrong; and I flatter myself, that supported by the other branches of the Government, and by the intelligence and patriotism of the People, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other Powers, the most prominent are those which have, for years, been the subject of negotiation with England, France, and Spain. The late periods at which our Ministers to those Governments left the United States, render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Everything in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations. Such are my own views; and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been offered for a full development of the po-

licy which the present Cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the Convention for regulating the reference to arbitration of the disputed points of boundary under the fifth article of the Treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign States, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication, on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this Confederacy. The exposition of our rights already made, is such, as, from the high reputation of the commissioners by whom it has been prepared, had a right to expect. Our interests at the court of the Sovereign who has evinced his friendly disposition, by assuming the delicate task of arbitration, have been committed to a citizen of the State of Maine, whose character, talents, and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising independence of the illus-

trious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the Sovereign of a powerful, intelligent, and magnanimous People. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her government. Should this result induce a disposition to embrace, to their full extent, the wholesome principles which constitute our commercial policy, our Minister to that Court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and, in many instances, by the express direction, of the then existing Government of France, remain unsatisfied; and must, therefore, continue to furnish a subject of unpleasant discussion, and possible collision, between the two Governments. I cherish, however, a lively hope, founded as well on the validity of those claims, and the established policy of all enlightened Governments, as on the known integrity of the French monarch, that the injurious delays of the past will find redress in the equity of the future. Our Minister has been instructed to press these demands on the French Government with all the earnestness which is called for by their importance and irre-  
futable justice: and in a spirit

that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our Minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a Commercial Convention upon liberal and reciprocal terms; or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliation upon our commerce, committed under her authority — an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that Government, authorize us to expect will not be made in vain.

With our European Powers, our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power, high in the rank of nations — the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we cannot but anticipate that the result will prove favorable to the cause of civilization, and to the progress of human happiness. The treaty of peace between these Powers having been ratified, we cannot be insensible to the great benefit to be derived by the commerce of the United States, from unlocking the navigation of the Black Sea — a free passage into which is secured

to all merchant vessels bound to ports of Russia under a flag at peace with the Porte. This advantage, enjoyed upon conditions, by most of the Powers of Europe, has hitherto been withheld from us. During the past summer, an antecedent, but unsuccessful attempt to obtain it, was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to insure to them our most zealous attention.

Our trade with Austria, although of secondary importance, has been gradually increasing; and is now so extended, as to deserve the fostering care of the Government. A negotiation, commenced and nearly completed with that Power, by the late administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the Senate.

During the recess of Congress, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and as far as practicable, prospective condition of the authority, by which the representative in question was appointed. This information being received,

the application of the established rule, of our Government, in like cases, was no longer withheld.

Considerable advances have been made, during the present year, in the adjustment of claims of our citizens upon Denmark for spoliations: but all that we have a right to demand from that Government, in their behalf, has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the Government, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary Powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in; as well as a similar one for the protection of our commerce and fisheries in the Pacific.

The Southern Republics, in our own hemisphere, have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant, when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty, and promoting the happiness of the citizens, will crown, with complete success, their long and arduous efforts in the cause of self-government: and enable

us to salute them as friendly rivals in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and, perhaps, forever stifled in that republic, by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit; and if a corresponding sentiment prevails in the other States, this devotion to liberty cannot be without a proper effect upon the counsels of the mother country. The adoption, by Spain, of a pacific policy towards her former Colonies—an event consoling to humanity, and a blessing to the world, in which she herself cannot fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American Governments, generally, are in a train of settlement; while the principal part of those upon Brazil have been adjusted; and a Decree in Council, ordering bonds to be issued by the Minister of the Treasury for their amount, has received the sanction of His Imperial Majesty. This event, together with the exchange of the ratifications of the Treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that Power.

Measures have been taken to place our commercial relations

with Peru upon a better footing than that upon which they have hitherto rested; and if met by a proper disposition on the part of that Government, important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister republics; and more particularly in that of our immediate neighbor, it would be most gratifying to me, were I permitted to say, that the treatment which we have received at her hands has been as universally friendly, as the early and constant solicitude manifested by the United States for her success, gave us a right to expect. But it becomes my duty to inform you that prejudices, long indulged by a portion of the inhabitants of Mexico against the Envoy Extraordinary and Minister Plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries; and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties; but particularly that of the Mexican Government, to ratify a Treaty negotiated and concluded in its own capital and under its own eye. Under these circumstances, it appeared expedient to give to Mr Poinsett the option either to return or not, as, in his judgment, the interest of his country might require; and instructions to that end were prepared; but, before they could be despatched, a communication was received from the Government of

Mexico, through its Charge d'Affaires here, requesting the recall of our Minister. This was promptly complied with; and a representative of a rank corresponding with that of the Mexican diplomatic Agent near this Government was appointed. Our conduct towards that Republic has been uniformly of the most friendly character; and having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

In justice to Mr Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of a successor, are not to be ascribed to any evidence that the imputation of an improper interference by him, in the local politics of Mexico, was well founded; nor to a want of confidence in his talents or integrity; and to add, that the truth of that charge has never been affirmed by the Federal Government of Mexico, in its communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice President. Our system of government was, by its framers, deemed an experiment; and they, therefore, consistently provided a mode of remedying its defects.

To the People belongs the right of electing their Chief Magistrate: it was never designed that their choice should, in any case, be defeated, either by the

intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves, that in proportion as agents to execute the will of the People are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful: all are liable to err. So far, therefore, as the People can, with convenience, speak, it is safer for them to express their own will.

The number of aspirants to the Presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance; and, in that event, the election must devolve on the House of Representatives, where, it is obvious, the will of the People may not be always ascertained; or, if ascertained, may not be regarded. From the mode of voting by States, the choice is to be made by twentyfour votes; and it may often occur, that one of these will be controlled by an individual representative. Honor and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the Representative to be proof against the powerful motives by which it may be assailed—the will of the People is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another, from a conviction that it is his

duty to be governed by his own judgment of the fitness of the candidates: finally, although all were inflexibly honest — all accurately informed of the wishes of their constituents — yet, under the present mode of election, a minority may often elect the President; and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system — *that the majority is to govern* — it must be very certain that a President elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavor so to amend our system, that the office of Chief Magistrate may not be conferred upon any citizen but in pursuance of a free expression of the will of the majority.

I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of the President and Vice President. The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connexion with such

an amendment, it would seem advisable to limit the service of the Chief Magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved, would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted, by their exclusion from all appointments in the gift of the president in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the Cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office

is considered as a species of property; and government, rather as a means of promoting individual interests, than as an instrument created solely for the service of the People. Corruption in some, and, in others, a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or, at least, admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office, than is generally to be gained by their experience. I submit therefore to your consideration, whether the efficiency of the Government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the People, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in, office, is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the People, and they alone, who have a right to complain, when a bad officer is substituted

for a good one. He who is removed has the same means of obtaining a living, that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred, during the recess of Congress, in the condition of either our Agriculture, Commerce, or Manufactures. The operation of the Tariff has not proved so injurious to the two former, or so beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished; while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt.

To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of Government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations, could not by common consent be abolished

and commerce allowed to flow in those channels to which individual enterprise — always its surest guide — might direct it. But we must ever expect selfish legislation in other nations; and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing Tariff, believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discour-

tenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influences, can never be just; and will not long retain the sanction of a People, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance, which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendancy; the North, the South, the East, and the West, should unite in diminishing any burthen, of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions and to extend their application to the wants and comforts of society, that they deserve the fostering care of Government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions, are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent: they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties, will be felt as a common benefit; but, like all other legisla-



tion connected with commerce, to be efficacious, and not injurious, it should be gradual and certain.

The public prosperity is evinced in the increased revenue arising from the sales of the public lands; and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

The balance in the Treasury on the 1st of January, 1829, was five millions nine hundred and seventytwo thousand four hundred and thirtyfive dollars and eightyone cents. The receipts of the current year are estimated at twentyfour millions six hundred and two thousand two hundred and thirty dollars; and the expenditures for the same time at twentysix millions one hundred and sixtyfour thousand five hundred and ninetyfive dollars. — Leaving a balance in the treasury, on the 1st of January next, of four millions four hundred and ten thousand and seventy dollars and eightyone cents.

There will have been paid on account of the public debt, during the present year, the sum of twelve millions four hundred and five thousand and five dollars and eighty cents; reducing the whole debt of the Government, on the first of January next, to fortyeight millions five hundred and sixtyfive thousand four hundred and six dollars and fifty cents, including seven millions of five per cent stock, subscribed to the Bank of the United States. The payment on account of the public debt,

made on the first of July last, was eight millions seven hundred and fifteen thousand four hundred and sixtytwo dollars and eightyseven cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry; and auspicious of the ability of Government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burthens; and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the States will also be increased; and may be more extensively exerted in favor of education and other public objects: while ample means will remain in the Federal Government to promote the general weal, in all the modes permitted to its authority.

After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the People of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, be-

yond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement; and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warrant-

ed by the Constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a Government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs, was intended to be left where the Federal Convention found it — in the State Governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting, to the watchful and auxiliary operation of the State autho-

rities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence, the Federal system can never fall.

In the collection of the revenue, the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by Government, sufficient to receive the goods offered in deposit for security and for debenture; and if the right of the United States to a priority of payment out of the estates of its insolvent debtors were more effectually secured—this evil would, in a great measure, be obviated. An authority to construct such houses, is, therefore with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice, that the laws for the collection and security of the revenue arising from imposts, were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are, in some respects, quite insufficient for the proper security of the revenue, and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a suc-

cessful system of smuggling is so obvious as not to require comment, and cannot be too carefully guarded against. I therefore suggest to Congress the propriety of adopting sufficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty, and embarrassment of fair and lawful business.

On an examination of the records of the Treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the Government, a considerable portion is undoubtedly desperate; and in many instances, has probably been rendered so by remissness in the agents charged with its collection. By proper exertions, a great part, however, may yet be recovered; and, whatever may be the portions respectively belonging to these two classes, it behoves the Government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted, that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the Treasury, not selected

with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the Executive Department, would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the Agent of the Treasury, so far as they relate to the superintendence and management of legal proceedings, on the part of the United States, be transferred to the Attorney General; and that this officer be placed on the same footing, in all respects, as the heads of the other Departments — receiving like compensation, and having such subordinate officers provided for his Department, as may be requisite for the discharge of these additional duties. The professional skill of the Attorney General, employed in directing the conduct of Marshals and District Attorneys, would hasten the collection of debts now in suit, and hereafter save much to the Government. It might be further extended to the superintendence of all criminal proceedings, for offences against the United States. In making this transfer, great care should be taken, however, that the power necessary to the Treasury Department be not impaired; one of its greatest securities consisting in a control over all accounts, until they are audited or reported for suit.

In connexion with the foregoing views, I would suggest, also, an inquiry, whether the provisions of the act of Congress, authorizing the discharge of the persons of debtors to the Government, from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails, in reference to this unfortunate class of citizens, is certainly due to them, and would prove beneficial to the country. The continuance of the liability, after the means to discharge it have been exhausted, can only serve to dispirit the debtor; or, where his resources are but partial, the want of power in the Government to compromise and release the demand, instigates to fraud, as the only resource for securing a support to his family. He thus sinks into a state of apathy, and becomes a useless drone in society, or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves, that oppressive debt is the bane of enterprise; and it should be the care of a Republic not to exert a grinding power over misfortune and poverty.

Since the last Session of Congress, numerous frauds on the Treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States' Court, for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the

cases came within the penalties of the act of the 17th Congress, approved 3d March, 1823, providing for the punishment of frauds committed on the Government of the United States. Either from some defect in the law or in its administration, every effort to bring the accused to trial under its provisions proved ineffectual; and the Government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If, indeed, there be no provision by which those who may be unworthily entrusted with its guardianship can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission. Or, if the law has been perverted from its original purposes, and criminals, deserving to be punished under its provisions, have been rescued by legal subtleties, it ought to be made so plain, by amendatory provisions, as to baffle the arts of perversion, and accomplish the ends of its original enactment.

In one of the most flagrant cases, the Court decided that the prosecution was barred by the statute which limits prosecution for fraud to two years. In this case all the evidences of the fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused, until after the two years had elapsed. Surely the statute ought

not to run in favor of any man while he retains all the evidences of his crime in his own possession; and, least of all, in favor of a public officer, who continues to defraud the Treasury, and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the Government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

In connexion with this subject, I invite the attention of Congress to general and minute inquiry into the condition of the Government: with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

The report of the Secretary of War will make you acquainted with the condition of our Army, Fortifications, Arsenal, and Indian Affairs. The proper discipline of the Army, the training and equipment of the Militia, the education bestowed at West Point, and the accumulation of the means of defence, applicable to the Naval force; will tend to prolong the peace we now enjoy, and which every good citizen—more especially those who have felt the miseries of even a successful warfare—must ardently desire to perpetuate.

The returns from the subordinate branches of this service exhibit

a regularity and order highly creditable to its character ; both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation, to obviate the inconveniences specified in the report under consideration : to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the Executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled — whether prior to the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act — would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they now are. Those, for example, in relation to the Paymaster and Surgeon General, assign to them an annual salary of two thousand five hundred dollars ; but are silent as to allowances which, in certain exigencies of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances, at different times, under former administrations ; but no uniform rule has

been observed on the subject. Similar inconveniences exist in other cases ; in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defence, the Military Academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our army ; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service ; and in a measure, secure to that class of troops the advantages which, in this respect, belong to standing armies.

I would also suggest a review of the Pension law, for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties and who is unable to maintain himself in comfort. These relics of the War of Independence have strong claims upon their country's gratitude and bounty. The law is defective, in not embracing within its provisions all those who were, during the last war, disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the People, as well as by considerations of sound policy. It will be perceived that a large addition to the list of

pensioners has been occasioned by an order of the late administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred. to the number of one hundred and fiftyfour: of which, on the 27th March, the date of its revocation, eightyseven were admitted. For the amount, there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the Department, exceed the estimate of its late Secretary, by about fifty thousand dollars: for which an appropriation is asked.

Your particular attention is requested to that part of the report of the Secretary of War which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the Executive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund; which originally amounted to one hundred thousand dollars, and has recently been vested in United States' three per cent stock.

The condition and ulterior destiny of the Indian Tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has,

however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness: By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy; and the Indians, in general, receding further and further to the West, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government, within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the United States for protection.

Under these circumstances, the question presented was, whether the General Government had a right to sustain those people in their pretensions? The Constitution declares, that, 'no new State shall be formed or erected within the jurisdiction of any other State,' without the consent of its legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent

government to establish itself there. Georgia became a member of the Confederacy which eventuated in our Federal Union, as a sovereign State, always asserting her claim to certain limits; which having been originally defined in her colonial charter, and subsequently recognised in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the People of Maine permit the Penobscot tribe to erect an independent government within their State? and unless they did, would it not be the duty of the General Government to support them in resisting such a measure? Would the People of New York permit each remnant of the Six Nations within her borders, to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? and if they were so disposed, would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are

reversed; and that it has become a part of its duty to aid in destroying the States which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the Executive of the United States; and advised them to emigrate beyond the Mississippi, or submit to the laws of those States.

Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain; until some of the tribes have become extinct, and others have left but remnants to preserve, for a while, their once terrible names. Surrounded by the whites, with their arts of civilization; which, by destroying the resources of the savage, doom him to weakness and decay; the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the States, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the



bounds of new States whose limits they could control. That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitutional power. But the people of those States, and of every State, actuated by feelings of justice and regard for our national honor, submit to you the interesting question, whether something cannot be done, consistently with the rights of the States, to preserve this much injured race?

As a means of effecting this end I suggest, for your consideration, the propriety of setting apart an ample district West of the Mississippi, and without the limits of any State or Territory, now formed, to be guarantied to the Indian tribes, as long as they shall occupy it: each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization; and by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this Government.

This emigration should be voluntary: for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that, if they remain within the limits of the

States, they must be subject to their laws. In return for their obedience, as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose, that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will, ere long, become merged in the mass of our population.

The accompanying report of the Secretary of the Navy will make you acquainted with the condition and useful employment of that branch of our service, during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of Government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement, were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that, notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has, in many important respects, not been secured.

In time of peace, we have need of no more ships of war than are

requisite to the protection of our commerce. Those not wanted for this object, must lay in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were, when committed to their proper element. On this subject, there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposits in Navy yards, of timber and other materials, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned; and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force in the report of the Navy Board, that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The Yard in this District, being already furnished with most of the machinery necessary for ship-building, will

be competent to the supply of the two selected by the Board as the best for the concentration of materials; and, from the facility and certainty of communication between them, it will be useless to incur, at those depots, the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

Another improvement would be effected by dispensing altogether with the Navy Board, as now constituted, and substituting, in its stead, bureaux similar to those already existing in the War Department. Each member of the Board, transferred to the head of a separate bureau, charged with specific duties, would feel, in its highest degree, that wholesome responsibility which cannot be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the Navy; to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character; its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the Marine Corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that

corps has, besides its Lieutenant Colonel Commandant, five Brevet Lieutenant Colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the artillery or infantry — there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the Navy may soon be made everything that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the Secretary, to which I refer you, for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the army and navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and where it does exist, it is submitted to Congress whether it ought not to be rectified.

The report of the Postmaster General is referred to as exhibiting a highly satisfactory administration of that Department. Abuses have been reformed; increased expedition in the transportation of the mail secured; and its revenue much improved. In a political point of view, this Department is chiefly important as

affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural — conveying rapidly and regularly, to the remotest parts of the system, correct information of the operations of the Government; and bringing back to it the wishes and feelings of the People. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs, a subject of high importance presents itself in the present organization of the Judiciary. A uniform operation of the Federal Government in the different States is certainly desirable; and, existing as they do in the Union, on the basis of perfect equality, each State has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the Union; to three others, the Circuit Courts, which constitute an important part of that system, have been imperfectly extended; and, to the remaining six, altogether denied. The effect has been to withhold from the inhabitants of the latter the advantages afforded (by the Supreme Court) to their fellow citizens in other States, in the whole extent of the criminal, and much of the civil authority of the Federal Judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted: neither is it to be disguised that the organization of our judicial system

is at once a difficult and delicate task. To extend the Circuit Courts equally throughout the different parts of the Union, and, at the same time, to avoid such a multiplication of members as would encumber the Supreme Appellate Tribunal, is the object desired. Perhaps it might be accomplished by dividing the Circuit Judges into two classes, and providing that the Supreme Court should be held by those classes alternately—the Chief Justice always presiding.

If an extension of the Circuit Court system to those States which do not now enjoy its benefits should be determined upon, it would, of course, be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the census of the People of the United States will, to insure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the Department of State forced itself, at an early period, upon the attention of the Executive. Thirteen years ago, it was, in Mr Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our

foreign relations. The remedy proposed was the establishment of a Home Department—a measure which does not appear to have met the views of Congress, on account of its supposed tendency to increase gradually, and imperceptibly, the already too strong bias of the federal system towards the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation; but am not the less impressed with the importance of so organizing that Department, that its Secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the People. Both the constitutionality and the expediency of the law creating this Bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to

the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised, which would avoid all constitutional difficulties; and, at the same time, secure all the advantages to the Government and country that were expected to result from the present Bank.

I cannot close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the recapture of the frigate *Philadelphia*, under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of Executive interference under a Government like ours, where every individual enjoys the right of directly petitioning Congress; yet, viewing this case as one of a very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides

the justice of this claim, as corresponding to those which have been since recognised and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our infant Navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps her seal upon it; and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions; and with an earnest supplication, that, whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels. \*

ANDREW JACKSON.

*Message from the President of the United States, returning to the House of Representatives the enrolled bill, entitled 'An act authorizing a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company,' with his objections thereto.*

To the House of Representatives.

GENTLEMEN: I have maturely considered the bill proposing to authorize 'a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company,' and now return the same to the House of Representatives, in which it originated, with my objections to its passage.

Sincerely friendly to the improvement of our country by means of roads and canals, I regret that any difference of opinion in the mode of contributing to it should exist between us; and if, in stating this difference, I go beyond what the occasion may be deemed to call for, I hope to find an apology in the great im-

portance of the subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious wish to be correctly understood by my constituents in the discharge of all my duties. Diversity of sentiment among public functionaries, actuated by the same general motives, on the character and tendency of particular measures, is an incident common to all Governments, and the more to be expected in one which, like ours, owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled, as we thus are, by a higher tribunal, before which our respective acts will be canvassed with the indulgence due to the imperfections of our nature, and with that intelligence and unbiassed judgment which are the true correctives of error, all that our responsibility demands is, that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

In the message which was presented to Congress at the opening of its present session, I endeavored to exhibit briefly my views upon the important and highly interesting subject to which our attention is now to be directed. I was desirous of presenting to the Representatives of the several States, in Congress assembled, the inquiry, whether some mode could not be devised, which would reconcile the diversity of opinion concerning the powers of this Government over the subject of internal improvement, and the manner in which these powers, if

conferred by the Constitution, ought to be exercised. The act which I am called upon to consider, has, therefore, been passed with a knowledge of my views on this question, as these are expressed in the message referred to. In that document the following suggestions will be found :

‘After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress ; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us then endeavor to attain this benefit

in a mode which will be satisfactory to all. That hitherto adopted has been deprecated as an infraction of the Constitution by many of our fellow-citizens; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the Legislative Councils.' And adverting to the constitutional power of Congress to make what I considered a proper disposition of the surplus revenue, I subjoined the following remarks: 'To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it.'

The constitutional power of the Federal Government to construct or promote works of internal improvement, presents itself in two points of view: the first, as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory, which they may occupy, be claimed as necessary to their preservation and use: the second, as asserting the simple right to appropriate money from the National Treasury in aid of such works, when undertaken by State authority, surrendering the claim of jurisdiction. In the first view, the question of power is an open one, and can be decided without the embarrassments attending the other,

arising from the practice of the Government. Although frequently and strenuously attempted, the power, to this extent, has never been exercised by the Government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it, can receive my official sanction.

But, in the other view of the power, the question is differently situated. The ground taken, at an early period of the Government, was, 'that, whenever money has been raised by the general authority, and is to be applied to a particular measure, a question arises, whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made.' The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse, and for its conservative effect upon some of the most valuable principles of the Constitution. The symmetry and purity of the Government would, doubtless, have been better preserved, if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfil the general objects of its institution—an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the Government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged

construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent, in order that the reflections which they suggest to my mind may be better understood.

In the administration of Mr Jefferson we have two examples of the exercise of the right of appropriation, which, in the considerations that led to their adoption, and in their effects upon the public mind, have had a greater agency in marking the character of the power, than any subsequent events. I allude to the payment of fifteen millions of dollars for the purchase of Louisiana, and to the original appropriation for the construction of the Cumberland Road; the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the Confederacy, expressed through their respective Legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road, of the force of an obligatory exposition of the Constitution, it must, nevertheless, be admitted that, so far as the mere appropriation of money is concerned, they present the principle in its most imposing aspect. No less than twentythree different laws have been passed through all the forms of the Constitution, appropriating upwards of two millions and a half of dollars out of the National Treasury in support of that im-

provement, with the approbation of every President of the United States, including my predecessor, since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects, under this power, the administration of Mr Madison was characterised by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both Houses of Congress, and presented for his approval, 'setting apart and pledging certain funds for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States; and to render more easy, and less expensive, the means and provisions for the common defence.' Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage, on the ground of its unconstitutionality, declaring that the assent of the respective States, in the mode provided by the bill, could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress, are those specified and provided for in the Constitution; and superadding to these avowals, his opinion, that 'a restriction of the power "to provide for the common defence and general welfare," to cases which are to be provided for by the expenditure of money, would still leave within



the legislative power of Congress, all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution.' I have not been able to consider these declarations in any other point of view, than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress, conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it, in the case of the Cumberland road. He returned it, with objections to its passage, and, in assigning them, took occasion to say, that, in the early stages of the Government, he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them; but that, on further reflection and observation, his mind had undergone a change; that his opinion then was, 'that Congress have an unlimited power to raise money, and that, in its appropriation, they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defence, and of general, not local — national, not *Staté* benefit;' and this was avowed to be the governing principle through the residue of his administration. The views of the

last administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it, in relation to internal improvements, was fully recognised and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty, if not impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1798, assuming that to be its true reading, in relation to the power under consideration: thus giving an admonitory proof of the force of implication, and the necessity of guarding the Constitution with sleepless vigilance, against the authority of precedents which have not the sanction of its most plainly defined powers. For, although it is the duty of all to look to that sacred instrument, instead of the statute book; to repudiate, at all times, encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true, that the public good and the nature of our political institutions require, that individual differences should yield to a well settled acquiescence of the people and confederated authorities, in particular constructions of the Constitution, on doubtful points. Not to concede this much to the spirit of our institutions, would impair their stability, and defeat the objects of the Constitution itself.

The bill before me does not call for a more definite opinion

upon the particular circumstances which will warrant appropriations of money by Congress, to aid works of internal improvement : for, although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated, has, as we have seen, been long claimed and exercised by the Federal Government, yet such grants have always been professedly under the control of the general principle, that the works which might be thus aided, should be 'of a general, not local—national, not State character. A disregard of this distinction would of necessity lead to the subversion of the federal system. That even this is an unsafe one, arbitrary in its nature, and liable, consequently, to great abuses, is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind, to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow-citizens who have desired its passage, and by the respect which is due to a co-ordinate branch of the Government ; but I am not able to view it in any other light than as a measure of purely local character ; or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted : for there can be no local interest that may not with equal propriety be denominated

national. It has no connexion with any established system of improvements ; is exclusively within the limits of a State, starting at a point on the Ohio river, and running out sixty miles to an interior town ; and even as far as the State is interested, conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise must, necessarily, be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly *national* in its character, or otherwise, is an inquiry which is often extremely difficult of solution. The appropriations of one year, for an object which is considered national, may be rendered nugatory, by the refusal of a succeeding Congress to continue the work, on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished. Notwithstanding the union of the Government with the corporation, by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain—is it national, and conducive to the benefit of the whole—or local, and operating only to the advantage of a portion of the Union ?

But, although I might not feel it to be my official duty to interpose the Executive veto to the passage of a bill, appropriating

money for the construction of such works as are authorized by the States, and are national in their character, I do not wish to be understood as expressing an opinion, that it is expedient, at this time, for the General Government to embark in a system of this kind; and, anxious that my constituents should be possessed of my views on this, as well as on all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations, there are two prominent views of the subject which have made a deep impression upon my mind, which, I think, are well entitled to your serious attention, and will, I hope, be maturely weighed by the people.

From the official communication submitted to you, it appears, that, if no adverse and unforeseen contingency happens in our foreign relations, and no unusual diversion be made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration, must be obvious to all, and equally so, that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the Treasury Department, and those from the Clerks of the Senate and House of Representatives, herewith submitted, it appears that the bills

which have passed into laws, and those which, in all probability, will pass before the adjournment of Congress, anticipate appropriations which, with the ordinary expenditures for the support of Government, will exceed considerably the amount in the Treasury for the year 1830. Thus, while we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa, the appropriations for internal improvement are increasing beyond the available means of the Treasury; and if to this calculation be added the amounts contained in bills which are pending before the two Houses, it may be safely affirmed that ten millions of dollars would not make up the excess over the Treasury receipts, unless the payment of the national debt be postponed, and the means now pledged to that object applied to those enumerated in these bills. Without a well-regulated system of internal improvement, this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be, either a continuance of the national debt, or a resort to additional taxes.

Although many of the States, with a laudable zeal, and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the General Government in the construction of such as from their nature ought to devolve upon it, and to which the means of the individual States are inadequate, is both rational and patriotic; and, if that desire

is not gratified now, it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guarantee, that, at the proper time, this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But, great as this object undoubtedly is, it is not the only one which demands the fostering care of the Government. The preservation and success of the Republican principle rest with us. To elevate its character, and extend its influence, rank among our most important duties; and the best means to accomplish this desirable end, are those which will rivet the attachment of our citizens to the government of their choice, by the comparative lightness of their public burthens, and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence, our country is blessed with general prosperity, and our citizens exempted from the pressure of taxation, which other less favored portions of the human family, are obliged to bear; yet, it is true, that many of the taxes collected from our citizens, through the medium of imposts, have, for a considerable period, been onerous. In many particulars, these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessities of life, and this, too, in cases where the burthen was not relieved by the consciousness, that it would ul-

timately contribute to make us independent of foreign Nations for articles of prime necessity, by the encouragement of their growth and manufacture at home. They have been cheerfully borne, because they were thought to be necessary to the support of Government, and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence, when it is known that the necessity for their continuance would cease, were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union, and authorize the reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor, whose prosperity is essential to our national safety and independence, will allow? When the National debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave, I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well digested system of improvement.

Under this view, the question, as to the manner in which the Federal Government can, or ought to embark in the construction of roads and canals, and the extent to which it may impose burthens on the people for these

purposes, may be presented on its own merits, free of all disguise, and of every embarrassment, except such as may arise from the Constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in furtherance of works of internal improvement, my opinion is, that the soundest views of national policy at this time, point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the Government will reap from it in the elevation of its character! How gratifying the effect of presenting to the world the sublime spectacle of a republic, of more than twelve millions of happy people, in the fifty-fourth year of her existence — after having passed through two protracted wars, the one for the acquisition, and the other for the maintenance of liberty — free from debt, and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world! Would we not ourselves find, in its effect, an additional guarantee, that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these cannot be benefited by a legislation, which tolerates a scramble for appropriations that

have no relation to any general system of improvement, and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the Government the losses of unsuccessful private speculation, and thus, by ministering to personal ambition and self-aggrandizement, tend to sap the foundations of public virtue, and taint the administration of the Government with a demoralizing influence.

In the other view of the subject, and the only remaining one which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement without a previous amendment of the Constitution, explaining and defining the precise powers of the Federal Government over it. Assuming the right to appropriate money to aid in the construction of national works, to be warranted by the contemporaneous and continued exposition of the Constitution, its insufficiency for the successful prosecution of them must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant, and embracing so much that has been overruled, as to involve the whole subject in great uncertainty, and to render the execution of our respective duties in relation to it, replete with difficulty and embarrassment. It is in regard to such works, and the acquisition of additional terri-

tory, that the practice obtained its first footing. In most, if not all other disputed questions of appropriation, the construction of the Constitution may be regarded as unsettled, if the right to apply money, in the enumerated cases, is placed on the ground of usage.

This subject has been one of much, and I may add painful reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of Internal Improvements. If to be their friend is a virtue, which deserves commendation, our country is blessed with an abundance of it: for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted: none certainly are so degenerate as to desire their success at the cost of that sacred instrument, with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or, if it be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of

constitutional compacts cannot be obtained from communities like ours, it need not be anticipated elsewhere; and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned: and the degrading truth, that man is unfit for self-government, admitted. And this will be the case, if *expediency* be made a rule of construction in interpreting the Constitution. Power, in no government, could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the Federal Government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the Constitution, delegating the necessary power, and defining and restricting its exercise with reference to the sovereignty of the States, should be made. Without it, nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works, and to raise funds by the collection of tolls to keep them in repair cannot be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right. Year after year, contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful

work. While one Congress may claim and exercise the power, a succeeding one may deny it, and this fluctuation of opinion must be unavoidably fatal to any scheme, which, from its extent, would promote the interests and elevate the character of the country. The experience of the past has shown that the opinion of Congress is subject to such fluctuations.

If it be the desire of the people that the agency of the Federal Government should be confined to the appropriation of money, in aid of such undertakings, in virtue of State authorities, then the occasion, the manner, and the extent of the appropriations, should be made the subject of constitutional regulation. This is the more necessary, in order that they may be equitable among the several States; promote harmony between different sections of the Union and their Representatives; preserve other parts of the Constitution from being undermined by the exercise of doubtful powers, or the too great extension of those which are not so; and protect the whole subject against the deleterious influence of combinations to carry by concert, measures which, considered by themselves, might meet but little countenance.

That a constitutional adjustment of this power, upon equitable principles, is, in the highest degree, desirable can scarcely be doubted; nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no Government are appeals to the source of power, in cases of real doubt more suitable than in ours. No good motive can be assigned

for the exercise of power by the constituted authorities, while those, for whose benefit it is to be exercised, have not conferred it, and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the General Government to the advancement of the common weal, presents a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect, is, I firmly believe, in a great degree, unfounded. The time has never yet been, when the patriotism and intelligence of the American people were not fully equal to the greatest exigency, and it never will, when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is, in my estimation, among the highest of our duties.

A supposed connexion between appropriations for internal improvement and the system of protecting duties, growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them. Those which I have entertained on the latter have frequently placed me in opposition to individuals as well as communities, whose claims upon my friendship and gratitude are of the strongest character; but I trust

there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been, or deep the regrets which they are capable of exciting.

As long as the encouragement of domestic manufactures is directed to national ends, it shall receive from me a temperate but steady support. There is no necessary connexion between it and the system of appropriations. On the contrary, it appears to me that the supposition of their dependence upon each other is calculated to excite the prejudices of the public against both. The former is sustained on the grounds of its consistency with the letter and spirit of the Constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people; on which account, it is at least entitled to a fair experiment. The suggestions to which I have alluded refer to a forced continuance of the national debt, by

means of large appropriations, as a substitute for the security which the system derives from the principles on which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people, or a consciousness that the system does not possess sufficient soundness for its support, if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can be long upheld in this country, have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.

In presenting these opinions I have spoken with the freedom and candor which I thought the occasion for their expression called for, and now respectfully return the bill which has been under consideration, for your further deliberation and judgment.

ANDREW JACKSON.

May 27, 1830.

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*A Treaty of Peace, Friendship, Commerce, and Navigation, between the United States of America, and His Majesty the Emperor of Brazil.*

In the name of the Most Holy and Invisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship between both Nations, have

resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a Treaty, or General Convention of Peace, Friendship, Commerce, and Navigation.



For this most desirable object, the President of the United States has conferred full power on William Tudor their Chargé d'Affaires at the Court of Brazil; and His Majesty the Emperor of Brazil on the Most Illustrious and Most Excellent Marquez of Aracaty, a member of his Council, Gentleman of the Imperial Bed-chamber, Councillor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs, and Miguel de Souza Mello e Alvim, a member of his Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross, Chief of Division in the Imperial National Navy, Minister and Secretary of State for the Marine, who after having exchanged their said full powers, in due and proper form, have agreed to the following articles :

**ARTICLE 1.** There shall be a perfect, firm and inviolable peace and friendship between the United States of America and their citizens, and His Imperial Majesty, his successors and subjects, throughout their possessions and territories respectively, without distinction of persons or places.

**ART. 2.** The United States of America, and His Majesty the Emperor of Brazil, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually, not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party,

who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. It is understood, however, that the relations and conventions which now exist or may hereafter exist between Brazil and Portugal, shall form an exception to this article.

**ART. 3.** The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries, on the liberal basis of perfect equality and reciprocity, mutually agree, that the citizens and subjects of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures and merchandise : and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens or subjects do, or shall \*enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

**ART. 4.** They likewise agree that whatever kind of produce, manufactures, or merchandise, of any foreign country, can be from time to time, lawfully imported into the United States, in their own vessels, may be also imported in vessels of Brazil : and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied and collected,

whether the importation be made in the vessels of the one country or the other. And in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country, can be, from time to time, lawfully imported into the Empire of Brazil, in its own vessels, may be also imported in vessels of the United States: and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied or collected whether the importation be made in vessels of the one country, or of the other. And they agree that whatever may be lawfully exported, or re-exported from the one country in its own vessels, to any foreign country, may in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation, or re-exportation, be made in vessels of the United States, or of the Empire of Brazil. The government of the United States however considering the present state of the navigation of Brazil, agrees that a vessel shall be considered as Brazilian, when the proprietor and captain are subjects of Brazil and the papers are in legal form.

ART. 5. No higher or other duties shall be imposed on the importation into the United States, of any articles the produce or manufactures of the Empire of Brazil, and no higher or other duties shall be imposed on the importation into the Empire of Brazil, of any articles the produce or manufactures of the United States, than are or shall be payable

on the like articles, being the produce or manufactures of any other foreign country: nor shall any higher or other duties, or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the Empire of Brazil respectively, than such as are payable on the exportation of the like article to any other foreign country: nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil, which shall not equally extend to all other nations.

ART. 6. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens or subjects of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being in all these cases to be treated as citizens or subjects of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ART. 7. The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, or merchandise or effects, for any military expedition, nor for any public or private

purpose whatever, without allowing to those interested, sufficient indemnification.

ART. 8. Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection, for repairing their ships, procuring provision, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ART. 9. All the ships, merchandise and effects belonging to the citizens or subjects, of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried, or found in the rivers, roads, ports, bays, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form, their rights before the competent tribunals: it being well understood, that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

ART. 10. When any vessel belonging to the citizens or subjects of either of the contracting parties, shall be wrecked, foundered, or shall suffer any damage, on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection,

in the same manner which is usual and customary with the vessels of the nation, where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported, unless they be destined for consumption.

ART. 11. The citizens or subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to the said personal goods, whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are, shall be subject to pay in like cases: and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years, to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, or any other charges than those which are imposed by the laws of the country.

ART. 12. Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations who may be in their territories, subject to

the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial intercourse, on the same terms which are usual and customary, with the natives or citizens and subjects of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper in all their trials at law.

ART. 13. It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover the bodies of the citizens and subjects of one of the contracting parties who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ART. 14. It shall be lawful for the citizens and subjects of the United States of America, and of the Empire of Brazil, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or who hereafter shall be, at enmity with either of the contracting

parties. It shall likewise be lawful for the citizens and subjects aforesaid, to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security, from the places, ports, and havens, of those who are enemies of either party, without any opposition, or disturbance whatsoever, not only directly from the places of the enemy before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed to be free, and exempt, which shall be found on board the ships belonging to the citizens or subjects of either of the contracting parties, although the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only, who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral,

the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ART. 15. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties, shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood, that the neutral property found on board such enemy's vessels, shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ship shall be free.

ART. 16. This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, inanches, balls, and all other things belonging to the use of these arms:

2dly. Bucklers, helmets, breast-plates, coats of mail, infantry belts; and clothes made up in the form, and for a military use.

3dly. Cavalry belts and horses with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

ART. 17. All other merchandise and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded: and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a force capable of preventing the entry of the neutral.

ART. 18. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessels, will deliver up the articles

## PUBLIC DOCUMENTS.

of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience: but in this and all the other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. 19. And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced, may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place, she shall think proper: Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein, after the reduction and surrender, shall such vessel or her cargo, be liable to confiscation, but they shall be restored to the owners thereof. And if any vessel, having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port block-

aded, and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

ART. 20. In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public, or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships, shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ART. 21. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels be-

longing to the citizens and subjects of the two contracting parties, they have agreed, and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects of the other, must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens or subjects of one of the parties; they have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known, whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

**ART. 22.** It is further agreed, that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply only to those which sail without convoy: and when said vessel shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor,

that the vessels under his protection belong to the nation whose flag he carries; and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

**ART. 23.** It is further agreed, that in all cases the established courts for prize causes, in the countries to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens or subjects of the other party, the sentence or decree shall mention the reasons or motives, on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

**ART. 24.** Whenever one of the contracting parties, shall be engaged in war with another state, no citizen or subject of the other contracting party, shall accept a commission, or letter of marque, for the purpose of assisting, or co-operating hostilely, with the said enemy, against the said party so at war under the pain of being treated as a pirate.

**ART. 25.** If, by any fatality, which cannot be expected, and which God forbid! the two contracting parties should be engaged in a war, with each other, they have agreed, and do agree, now for them, that there shall be al-

lowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens and subjects of all other occupations, who may be established in the territories or dominions of the United States, and of the Empire of Brazil, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which in consideration of humanity, the contracting parties engage to give them.

ART. 26. Neither the debts due from the individuals of the one nation to the individuals of the other, nor shares nor money, which they may have in public funds, nor in public or private banks, shall ever in any event of war or national difference be sequestered or confiscated.

ART. 27. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to their Envoys, Ministers, and other public Agents, the same favors, immunities and exemptions, which those of the most favored nation do, or shall enjoy; it being understood, that whatever favors, immunities, or privileges, the United States of America, or the Empire of Brazil may find it proper to give the

Ministers and Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. 28. To make more effectual the protection which the United States and the Empire of Brazil shall afford in future to the navigation and commerce of the citizens and subjects of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the Consuls, and Vice-Consuls of the most favored nations: each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ART. 29. In order that the Consuls and Vice-Consuls of the two contracting parties, may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall before entering on the exercise of their functions, exhibit their commissions or patent in due form, to the government to which they are accredited: and having obtained their *exequatur*, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ART. 30. It is likewise agreed, that the Consuls, their Secretaries, officers, and persons attached to the service of Consuls, they not being citizens or subjects of the country, in which the Consul resides, shall be exempt from all public service, and also from all



kinds of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens or subjects and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ART. 31. The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ship's roll, or other public documents, that those men were part of said crews; and on this demand so proved, (saving however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prison, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause.

ART. 32. For the purpose

more effectually protecting their commerce and navigation, the two contracting parties do hereby agree as soon hereafter, as circumstances will permit them, to form a Consular Convention, which shall declare specially the powers, and immunities of the Consuls and Vice-Consuls of the respective parties.

ART. 33. The United States of America, and the Emperor of Brazil desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce and navigation, have declared solemnly and do agree to the following points:

1st. The present treaty shall be in force for twelve years from the date hereof, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same: each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of twelve years: and, it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either, from the other party, this treaty in all the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens or subjects of either party shall infringe any of the

articles of this treaty, such citizen or subject shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3dly. If (which indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty, shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused, or unreasonably delayed.

4thly. Nothing in this treaty contained shall however, be construed to operate contrary to former and existing public treaties with other sovereigns or states.

The present treaty of peace, amity, commerce and navigation, shall be approved and ratified by the President of the United States,

by and with the advice and consent of the Senate thereof, and by the Emperor of Brazil, and the ratifications shall be exchanged within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof we the Plenipotentiaries of the United States of America and of his Majesty the Emperor of Brazil have signed and sealed these presents.

Done in the City of Rio de Janeiro, this twelfth day of the month of December, in the year of our Lord Jesus Christ, one thousand eight hundred and twentyeight.

(Signed)

W. TUDOR,  
MARQUEZ DE ARACATY  
MIGUEL DE SOUZA MELLO C ALVIM.

The said Treaty or general Convention was duly ratified on both parts, and the respective ratifications of the same were exchanged, at Washington, by James A. Hamilton, Acting Secretary of State of the United States, and the Chevalier Jc. Silvestre Rebello, Chargé d'Affaires of His Majesty the Emperor of Brazil, on the part of their respective Governments, on the 18th of March, 1829.

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*Treaty of Commerce and Navigation between the United States of America, and his Majesty the King of Prussia.*

THE United States of America, and his Majesty the King of Prussia, equally animated with the de-

sire of maintaining the relations of good understanding, which have hitherto so happily subsisted

between their respective States, of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished, than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, and applicable in time of peace, as well as in time of war, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce, for which purpose the President of the United States has conferred full powers on Henry Clay, their Secretary of State; and his Majesty the King of Prussia has conferred like powers on the Sieur Ludwig Niederstetter, Chargé d'Affaires of his said Majesty near the United States; and the said Plenipotentiaries having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

ART. 1. There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submit-

ting to the laws and ordinances there prevailing.

ART. 2. Prussian vessels arriving either laden or in ballast in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast, in the ports of the kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever.

ART. 3. All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the kingdom of Prussia, in Prussian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Prussian vessels. And, reciprocally all kinds of merchandise and articles of commerce, either the produce of the soil or of the industry of the kingdom of

Prussia, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may, also, be so imported in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ART. 4. To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Prussian vessels, and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ART. 5. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Prussia; and no higher or other duties shall be imposed on the importation into the kingdom of Prussia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation

or exportation of any article the produce or manufacture of the United States, or of Prussia, to or from the ports of the United States, or to or from the ports of Prussia, which shall not equally extend to all other nations.

ART. 6. All kinds of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States, may, also, be exported therefrom in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the kingdom of Prussia, so that all kind of merchandise and articles of commerce, either the produce of the soil or the industry of the said kingdom, or of any other country, which may be lawfully exported from Prussian ports in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

**ART. 7.** The preceding articles are not applicable to the coastwise navigation of the two countries, which is, respectively, reserved, by each of the high contracting parties, exclusively, to itself.

**ART. 8.** No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to, the character of the vessel, whether it be of the one party, or of the other, in which such article was imported: it being the true intent and meaning of the contracting parties, that no distinction or difference whatever, shall be made in this respect.

**ART. 9.** If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

**ART. 10.** The two contracting parties have granted to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents and Commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations. But if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same

place. The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

**ART. 11.** The said Consuls, Vice-Consuls, and Commercial Agents, are authorized to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls,

Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. 12. The twelfth article of the treaty of amity and commerce, concluded between the parties in 1785, and the articles from the thirteenth to the twenty-fourth, inclusive, of that which was concluded at Berlin in 1799, with the exception of the last paragraph in the nineteenth article, relating to the treaties with Great Britain, are hereby revived with the same force and virtue, as if they made part of the context of the present treaty; it being, however, understood that the stipulations contained in the articles thus revived, shall be always considered as, in no manner, affecting the treaties or conventions concluded by either party with other powers, during the interval between the expiration of the said treaty of 1799, and the commencement of the operation of the present treaty.

The parties being still desirous, in conformity with their intention

declared in the twelfth article of the said treaty of 1799, to establish between themselves, or in concert with other maritime powers, further provisions to insure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject, at some future and convenient period.

ART. 13. Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure to be blockaded, shall not, however, be captured or condemned, for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to, have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ART. 14. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall suc-

ceed to their said personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native, in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants, to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same and to withdraw the proceeds without molestation, and exempt from all duties of *detraction*, on the part of the Government of the respective States. But this article shall not derogate, in any manner, from the force of the laws already published or hereafter to be published, by his Majesty the King of Prussia to prevent the emigration of his subjects.

ART. 15. The present treaty shall continue in force for twelve years, counting\* from the day of the exchange of the ratifications ;

and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official ratification to the other its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ART. 16. This treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by his Majesty the King of Prussia, and the ratifications shall be exchanged in the City of Washington, within nine months from the date of the signature hereof, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the French and English languages ; and they have thereto affixed their seals, declaring, nevertheless, that the signing in both languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done in triplicate at the City of Washington, on the first day of May, in the year of our Lord one thousand eight hundred and twentyeight ; and the fiftysecond of the Independence of the United States of America.

Signed,  
H. CLAY,  
LUDWIG NIEDERSTETTER.

The said Treaty was duly ratified on both parts, and the respec-

nive ratifications of the same were duly exchanged at Washington on the 14th of March, 1829, by James A. Hamilton, acting Secretary of State of the United

States, and the Sieur Ludwig Niederstetter, Chargé d' Affaires of His Majesty, the King of Prussia, on the part of His said Majesty.

*Convention between the United States of America and His Majesty the King of Denmark, signed at Copenhagen the 28th of March, 1830.*

THE United States of America, and His Majesty the King of Denmark, being equally desirous of terminating the discussions which have taken place between them, in respect to the claims and pretensions formed by the citizens of the United States and the subjects of Denmark, having for their object, the seizure, condemnation or confiscation of their vessels, cargoes or property whatsoever, within the territory, or under the authority of the respective Governments, have named for this purpose, and furnished with their full powers, that is to say, the President of the United States of America, by, and with the advice and consent of the Senate, HENRY WHEATON, Chargé d' Affaires of the said United States at the Court of His Majesty, the King of Denmark, &c, and His Majesty the King of Denmark, the Sieur ERNEST HENRY, Count de Schimmelmarm, Knight of the order of the Elephant, Grand Cross of the order of Dannebrog, decorated with the silver cross of the same order, His Minister (intime) of State, Chief of His Department of foreign affairs,

&c, and the Sieur PAUL CHRISTIAN DE STEMANN, of the order of the Elephant, Grand Cross of the order of Dannebrog, decorated with the silver cross of the same order, His Minister (intime) of State and of Justice, President of His Danish Chancery, etc., and the said Plenipotentiaries after having exchanged their full powers, found in good and due form, have agreed upon and concluded the following articles :

ART. 1. His Majesty the King of Denmark renounces the indemnities which might be claimed from the Government of the United States of America, for the subjects of Denmark, on account of the seizure, detention and condemnation or confiscation of their vessels, cargoes or property whatsoever, under the authority of the said Government; and his Majesty engages, moreover, to pay to the said Government, the sum of six hundred and fifty thousand Spanish milled dollars, on account of the citizens of the United States, who have preferred claims relating to the seizure, detention, condemnation or confiscation of their vessels, cargoes or property



whatsoever, by the public and private armed ships, or by the tribunals of Denmark, or in the States subject to the Danish sceptre.

**ART. 2.** The payment of the above sum of six hundred and fifty thousand Spanish milled dollars, shall be made, in the times and manner following: On the 31st March, 1831, two hundred and sixteen thousand six hundred and sixtysix dollars and two thirds of a dollar.

On the 30th September, 1831, two hundred and sixteen thousand six hundred and sixtysix dollars and two thirds of a dollar.

On the 30th September, 1832, two hundred and sixteen thousand six hundred and sixtysix dollars and two thirds of a dollar.

To the second payment shall be added the interest for that, and for the last payment, at four per centum per annum, to be computed from the first payment, on the 31st March, 1831.

To the third payment shall also be added the interest for that payment, at four per centum per annum, to be computed from the second payment, on the 30th September, 1831.

The above sums, thus specified in Spanish milled dollars, shall be paid in bills of exchange, at fifteen days' sight, at Hamburgh; for the payment of which the Danish Government shall be responsible.

At the time when the first payment shall be made, on the 31st March, 1831, two obligations, corresponding to the two last payments to be effected for the capital and interest thereof, shall be issued by the Direction for the public

debt and the sinking fund of Denmark, to the order of the Department of Foreign Affairs of Denmark, and assigned to the Government of the United States. By the said obligations, His Majesty the King of Denmark shall acknowledge himself debtor, for the sums not yet paid to the Government of the United States of America, and the same shall be delivered to such person or persons, as may be authorized to receive the same by the said Government; and when the said obligations are to be discharged, according to the tenor thereof, by the Danish Government, the person or persons authorized by the Government of the United States, to receive the stipulated payments, shall deliver up the said obligations with receipts for the amount thereof, from the said Government.

**ART. 3.** To ascertain the full amount, and validity of the claims, mentioned in Article 1, a Board of Commissioners, consisting of three citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, who shall meet at Washington, and within the space of two years from the time of their first meeting shall receive, examine and decide upon, the amount and validity of all such claims, according to the merits of the several cases, and to justice, equity and the law of nations.

The Commissioners shall take an oath or affirmation, to be entered in the journal of their proceedings, for the faithful and diligent discharge of their duties.

In case of the death, sickness or necessary absence of any Commissioner, his place may be supplied by the appointment of another Commissioner, in the manner before mentioned, or during the recess of the Senate, by the President of the United States. The Commissioners shall be authorized to hear and examine, on oath or affirmation, every question relating to such claims, and to receive all suitable authentic testimony concerning the same.

In order to facilitate the proceedings of this Board, His Majesty the King of Denmark engages, when thereunto required, to cause to be delivered to any person or persons, who shall be duly authorized for that purpose, by the Government of the United States, in addition to the papers already delivered, all the acts, documents, ships' papers and prize proceedings, which may still remain in the archives of the High Court of Admiralty, or the Prize Tribunals of Denmark, relating to the seizure, detention, condemnation or confiscation, of the vessels, cargoes or property whatsoever, belonging to the citizens of the United States of America before the said tribunals.

The Commissioners shall award, and cause to be distributed among the several parties, whose claims shall be allowed by the Board, the sum mentioned in Articles 1 and 2, in a ratable proportion to the amount of the respective claims thus allowed.

ART. 4. In consideration of the renunciation and payment mentioned in Articles 1 and 2, on the part of His Majesty the King of

Denmark, the Government of the United States declares itself entirely satisfied, not only in what concerns the said Government, but also in what concerns the citizens of the said United States, on account of the claims hitherto preferred, or which may hereafter be preferred, relating to the seizure, detention, condemnation or confiscation, of their vessels, cargoes, or property whatsoever, which in the last maritime war of Denmark, have taken place under the flag of Denmark, or in the States subject to the Danish sceptre; and the said claims shall consequently be regarded as definitively and irrevocably terminated.

ART. 5. The intention of the two high contracting parties being solely to terminate, definitively and irrevocably, all the claims which have hitherto been preferred, they expressly declare, that the present Convention is only applicable to the cases therein mentioned; and having no other object, can never, hereafter, be invoked by one or the other as a precedent or rule for the other.

ART. 6. The present Convention shall be duly ratified by the high contracting parties, and the ratifications shall be exchanged at Washington, in the space of ten months, or sooner if possible.

In faith thereof, and in virtue of our respective full powers, we have signed the present Convention, and have thereunto set the seals of our arms.

Done at Copenhagen, this 28th day of March, 1830.

HENRY WHEATON,	[L. S.]
E. H. SCIMMELMANN,	[L. S.]
STEMANN,	[L. S.]

The said Convention was duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, by MARTIN VAN BUREN, Secretary of State of the United States, on the part of said States, and the Chevalier PETER PEDERSON,

Knight Commander of the Royal Order of Dannebrog, His Danish Majesty's Councillor of Conference and His Minister Resident and Consul General in the United States, on the part of His said

*Papers relating to the Arrangement in Relation to the Trade between the United States and the British Colonies, &c.*

To the Senate of the United States.

I communicate to Congress the papers relating to the recent arrangement with Great Britain with respect to the trade between her colonial possessions and the United States, to which reference was made in my message at the opening of the present session.

It will appear from those documents, that, owing to the omission in the act of the 29th May last of a clause expressly restricting importations into the British colonies in American vessels to the productions of the United States; to the amendment engrafted upon that act in the House of Representatives, providing that, when the trade with the West India colonies should be opened, the commercial intercourse of the United States with all other parts of the British dominions or possessions should be left on a footing not less favorable to the United States than it now is; and to the act not specifying the terms upon which British vessels coming from the northern colonies should be admitted to entry into the ports of

the United States, an apprehension was entertained by the Government of Great Britain, that, under the contemplated arrangement, claims might be set up, on our part, inconsistent with the propositions submitted by our minister, and with the terms to which she was willing to agree; and that this circumstance led to explanations between Mr McLane and the Earl of Aberdeen, respecting the intentions of Congress, and the true construction to be given to the act referred to.

To the interpretation given by them to that act, I did not hesitate to agree. It was quite clear that, in adopting the amendment referred to, Congress could not have intended to preclude future alterations in the existing intercourse between the United States and other parts of the British dominions; and the supposition that the omission to restrict, in terms, the importations to the productions of the country to which the vessels respectively belong, was intentional, was precluded by the propositions previously made by this Gov-

ernment to that of Great Britain, and which were before Congress at the time of the passage of the act, by the principles which govern the maritime legislation of the two countries, and by the provisions of the existing commercial treaty between them.

Actuated by this view of the subject, and convinced that it was in accordance with the real intentions of Congress, I felt it my duty to give effect to the arrangement by issuing the required proclamation, of which a copy is likewise herewith communicated.

ANDREW JACKSON.

Washington, 3d January, 1831.

*Extracts of a letter from Mr Van Buren to Mr McLane, dated July 20, 1829.*

*First. The trade between the United States and the British American Colonies.* The policy of the United States in relation to their commercial intercourse with other nations is founded on principles of perfect equality and reciprocity. By the adoption of these principles, they have endeavored to relieve themselves from the discussions, discontents, and embarrassments, inseparable from the imposition of burthensome discriminations. These principles were avowed while they were yet struggling for their independence, are recorded in their first treaty, and have since been adhered to with the most scrupulous fidelity. In the year 1815, they repealed all their acts imposing discriminating tonnage duties on foreign ships or vessels, and of impost, so far as respected the

produce or manufacture of the nations to which such foreign ships or vessels might belong—such repeal to take effect in favor of any foreign nation which should abolish similar duties, so far as they operated to the disadvantage of the United States.

In the year 1817, they restricted the importation into the United States, in foreign vessels, to articles of the growth, produce, or manufacture of the country to which such vessels belonged, or as could only be, or were most usually shipped in the first instance from such country; provided that such regulation should not extend to the vessels of any foreign nation which had not adopted, or should not adopt a similar regulation with regard to them.

In the year 1824, they declared the suspension of all discriminating duties, in relation to the vessels and produce of several European nations, and of their territories in Europe, which had accepted of the terms proffered by the act of 1815, and conferred authority upon the President to extend the same exemption to all nations thereafter complying with its requirements; and in 1828, an act was passed, authorizing the President to extend the exemption in regard to alien duties, which, by the acts of 1815 and 1824, was restricted to the productions of the country to which the vessel belongs, to the productions of any foreign country imported into the United States in the vessels of any nation which would allow a similar exemption in favor of the United States.

The terms proposed by our act

of 1815 were adopted in the commercial treaty between the United States and Great Britain in the same year, which has been twice extended, and is now in full force. By it, the commercial intercourse between the United States and the British possessions in Europe is established upon just and equal terms. The United States desired to place their trade with the British American colonies on the same footing. The Government of Great Britain would not then consent to that arrangement, and it was consequently stipulated in the treaty that the intercourse between the United States and His Britannic Majesty's possessions in the West Indies, and on the continent of North America, should not be affected by any of its provisions, and that each party should remain in complete possession of its respective rights with regard to such intercourse. The trade and intercourse between the United States and the British colonies previous to and at that time, were only such as were permitted by British legislation, or regulation by orders in Council. It had always been of a restricted and unequal character, and every previous attempt to place it upon just terms had wholly failed. Since 1815, both Governments have uniformly admitted it to be their belief that a commercial intercourse between the United States and the British colonial possessions referred to, upon terms of fair reciprocity, would promote their mutual interests.

To establish it upon such terms has always been the sincere ob-

ject of this country, and, until a very late period, the avowed wish of Great Britain.

The twelve years which have elapsed have, with occasional intermission, been employed in endeavors to arrange those terms by negotiation, or to secure them through the agency of separate legislative enactments; and although the two Governments have more than once concurred in each other's views as to the conditions to which they would assent, their respective acts have resulted in the almost entire suppression of the trade. Since the 1st of December, 1826, there has been a total non-intercourse between the United States and the British American colonies in British vessels, and the same in regard to American vessels, (with the exception of the permission allowed to the latter, to carry on a direct trade with the British North American possessions, the Bahama Islands, and the Island of Anguilla, upon terms prescribed by Great Britain alone.) The acts of the two Governments which have led to this result are so intimately connected with the positions which they respectively occupy, and of a nature calculated to have so much influence on the measures of conciliation and redress which may be adopted, as to render it important that they should be fully known and accurately understood. Your participation in the public councils has given you a general view of their principal outlines; but it is thought advisable to furnish you with a more particular exposition than the opportunities you have enjoy-

ed would allow you to obtain. A very brief sketch of such as are most prominent is, with this view, submitted to you.

The direct trade between the United States and Great Britain was found to be so interwoven with and dependent upon, that between the United States and the colonies, as, in a great measure, to deprive the former of the advantages intended to be secured to them by the treaty of 1815, so long as the intercourse with the colonies was monopolized by British navigators. Several efforts were consequently made, between the years 1815 and 1818, to induce the British Government to adjust this collision of interests by amicable negotiation. They were unsuccessful. In 1817, a proposition was submitted to our Minister at London by the Secretary of State for Foreign Affairs, Lord Castlereagh, which was said to contain all that could then be assented to by Great Britain towards admitting the United States to a participation in the trade between them and the colonies. By this it was proposed to extend to the United States the provisions of their free port acts, which authorized a limited trade with portions of her colonies to the colonial inhabitants of foreign European possessions, in vessels of one deck, with some additional provisions in relation to the trade with Bermuda, Turks Island, and the British territories in North America.

The terms contained in this proposition were decided by the Government of the United States to be inadmissible, and counter-

vailing measures were resorted to. The act of Congress of the 18th of April, 1818, concerning navigation, was passed. Its object was to counteract acts of a like character long before existing on the part of Great Britain, restrictive of the trade with her colonies in vessels of the United States. By that act, the ports of the United States were closed against British vessels coming from any British colony, which was, *by the ordinary laws of navigation and trade*, closed against vessels of the United States; and British vessels sailing with cargoes from ports of the United States were laid under bonds to land their cargoes in some port or place other than a colony closed against vessels of the United States.

The negotiation was in the same year renewed, and another attempt, equally unsuccessful, was made to open the trade, and establish it upon principles which were claimed by our Government to be those of fair reciprocity.

The act of Congress of the 15th of May, 1820, 'supplementary to an act entitled "An act concerning navigation,"' followed. By it the ports of the United States were, after a certain day, closed against British vessels coming or arriving by sea from *any* British colonial port in the West Indies or America; and similar bonds were required from British vessels sailing from the ports of the United States, not to land their cargoes in any British American colony. Articles of British West Indian and North American produce were allowed by this act to be imported into the United States,

only direct from the colony of which they were wholly the produce, growth, or manufacture. Thus establishing a non-intercourse in *British* vessels with all the British American colonies, and prohibiting the introduction into the United States of all articles the produce of those colonies, except that of each colony imported directly from itself.

Such was the relative state of the intercourse between the United States and the British colonies, respectively, from September, 1820, till the passing of the act of Parliament of the 24th of June, 1822, and the consequent proclamation of the President.

By the act of the 6th of May, 1822, in anticipation of the passage of the British act last referred to, Congress authorized the President, upon his being satisfied that the British colonial ports were opened to the vessels of the United States, to open their ports to British vessels upon terms of reciprocal advantage. The act of Parliament of June, 1822, repealed several existing acts, and opened certain of the colonial ports to the admission of American vessels laden with certain articles of American produce, upon specified conditions, and restricting the intercourse to the direct trade between the United States and the colonies. The President, by his proclamation, issued immediately after the receipt of the British act, opened the ports of the United States to British vessels engaged in the colonial trade, subject to a like restriction, and upon terms which were deemed to be of reciprocal and equal advantage, *but retain-*

*ing our discriminating duties.* The retention of the discriminating duties was made the subject of complaint and discussion on the part of the British Government. The measure was justified by ours, as being only a fair equivalent for the imposition of protecting duties on American produce in all, and export duties in some of the colonies.

The king had authority, by act of Parliament, to interdict the trade to all nations which refused to allow privileges to British vessels engaged in the colonial trade equal to those granted to foreign vessels by the act of the 24th of June, 1822, and, also, to impose countervailing duties; but neither power was then exercised.

The act of Congress of the 1st of March, 1823, was the next material step in the movements of the two Governments. At the period of its passage the two countries were engaged in an extensive and valuable trade between the United States and the colonies, by virtue of the British act of Parliament and the President's proclamation, our discriminating duties remaining unrepealed, but continuing to be a cause of complaint on the part of Great Britain.

The influence which the passage of this act has obviously had upon the course of affairs in relation to the trade in question, together with the circumstance that the closing of our ports was the effect of its terms, renders it important that its provisions should be distinctly understood. They were in substance the following:

1st. It continued the suspension of the acts of 1818 and 1820,

already effected by the President's proclamation, and opened our ports to a *direct* trade only with such of the British colonial ports as had been opened to us by the act of Parliament of June, 1822, subject, as things then stood, to the payment, by British vessels of our alien or discriminating duties.

2dly. It put forth a claim which had been previously advanced by us in our negotiations upon the subject, but always resisted by Great Britain, viz. that no higher duties should be imposed upon the productions of the United States in the British colonial ports than upon those of Great Britain herself, or her other colonies, and which had been levied for the protection of their own produce. This was done by giving an authority to the President to suspend the payment of our discriminating duties by British vessels coming from the colonies, upon being satisfied that no such duties were levied in the colonies on our produce, and by declaring that, until such evidence was given, payment should continue to be exacted.

3dly. It restricted the trade to such British vessels as had come directly from the colonial ports, and had not touched at any other port after they left the colony.

4thly. It declared that its provisions should only be in force so long as the privileges granted by the act of Parliament of June, 1822, were allowed to our vessels, and that if at any time thereafter, the trade, or any part of it, was prohibited to us by Great Britain, through an act of Parliament or order in Council, and that fact proclaimed by the President, each

and every of its provisions should cease, and the acts of 1818 and 1820 be revived and in full force.

The passage of this act was followed by the exercise of the authority given to the King to impose countervailing duties; and they were accordingly imposed to an amount equal to ours, by an order in Council of the 21st July, 1823, upon all American vessels and their cargoes arriving in the colonial ports. Under these reciprocal impositions, the trade between the United States and the colonies was carried on from that time, until it was suppressed by both Governments, in the manner hereinafter stated.

The negotiation was resumed by Mr Rush in January, 1824. In its course, propositions for regulating the trade were submitted by him, which received the assent of the British Plenipotentiaries, with the exception of that prohibiting the imposition of protecting duties in the colonies, to which their dissent was expressed in the strongest terms.

Mr Rush's instructions precluded him from settling the matter upon any other terms, and the negotiation was suspended in the month of June following.

On the 5th of July, 1825, an act of Parliament was passed, allowing the trade with the British colonies in North America, and the West Indies to all foreign nations, upon conditions which will be hereafter referred to. It limited the privileges thus granted to foreign vessels to the ships of those countries, not having colonies, which should place the commerce and navigation of Great Britain,



and her possessions abroad, upon the footing of the most favored nation, unless the King, by order in Council, should in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the required condition was not in all respects complied with by such country.

Mr King was sent to England in the summer of 1825, but without instructions upon this point. His continued indisposition induced him to return in the summer of 1826, and during that period no step was taken by either Government.

In the winter of 1825-6, an attempt was made in Congress to meet the act of Parliament of July, 1825, by correspondent legislation; but it failed; and although the trade might, and most probably would, have been saved, if the act then introduced had become a law, it is nevertheless true, as has been stated, that it would not have been a strict compliance with the British act, if it had passed.

In the summer of 1826, Mr Gallatin was sent to England with instructions, which authorized him to conclude an arrangement of the colonial question upon terms substantially the same with those which were offered by the British Plenipotentiaries to Mr Rush in 1824: but his authority was confined to an adjustment by treaty stipulation.

On the 27th of July, 1826, the King, by order in Council, founded upon the act of Parliament of July, 1825, declared that the United States had not com-

plied with the conditions of the act, and therefore directed that the trade and intercourse between the United States and the greater part of the British colonial ports should cease from and after the 1st day of December then following.

Mr Gallatin arrived in England a few days after the publication of those orders in Council. The determination of the British Government to decline all further negotiation upon the subject was promptly and definitively announced to him. The foundation of this determination was avowed to consist principally in the reiterated refusals of this Government to accept of the only terms to which Great Britain would agree, and a subsequent change of the colonial policy of that Government, by opening her colonial ports to all foreign nations upon the conditions set forth in their acts of Parliament. The whole subject was laid before Congress by the President in the winter of 1827, and an unsuccessful attempt made to obtain the passage of a law requiring our ports to be closed also. Congress having adjourned without doing anything in the matter, the President, by his proclamation, dated the 17th day of March, 1827, declared the trade between the United States and all the British colonies, with which it had been allowed by the act of Parliament of 1822, to be prohibited, and the acts of Congress of 1816 and 1820 to be revived.

On the 16th July, 1827, another British order in Council was issued, embracing the regulation of the colonial trade of Great Britain with all nations; reciting the

passage of an act of Parliament, by which it was declared that one year from the time of passing the act of July, 1825, should be the period in which an acceptance of its provisions by foreign nations should be valid; declaring what nations had so accepted the same, and closing their ports against all those that had not; among the latter, the United States were included.

The extent and operations of our acts of 1818 and 1820 have been before stated. The commercial relations between the United States and the British colonies have been regulated by their provisions, and the British order in Council of July, 1827, from that period to the present day. By instructions from this department of the 11th of April, 1827, Mr Gallatin was authorized to announce to the Government of Great Britain the acquiescence of this in the proposition that the colonial trade should be regulated by law, and to ascertain the disposition of the British Government to open the trade by separate acts of legislation. This was distinctly done by Mr Gallatin, in his note to Lord Dudley of the 4th of June, 1827. He was further informed that the President was willing to recommend to Congress, at its next session —

1st. To suspend the alien duties on British vessels and cargoes, and to allow their entry into our ports with the same kind of British colonial produce as may be imported in American vessels — the vessels of both countries paying equal charges.

2d. To abolish the restrictions

in the act of 1823 to the direct intercourse between the United States and the British colonies, thus leaving Great Britain in the exclusive possession of the circuitous trade between Great Britain proper through her colonies; and he was directed to inquire whether the passage of an act of Congress to that effect would lead to the revocation of the order in Council of July, 1826, to the abolition of the discriminating duties <sup>on</sup> American vessels in the British colonial ports, and to the enjoyment by our vessels of the advantages offered by the act of the 5th of July, 1825. The effect of these concessions, it was pointed out to him, would be a waiver of the claim of the United States, as made in the act of March, 1823, to the admission into the colonial ports of our produce upon the payment of the same duties as similar produce from other parts of the British possessions was required to pay.

No answer was made by the British Government to Mr Gallatin's note of the 4th of June, 1827, announcing the willingness of this Government to arrange the trade by separate legislation; and Mr Canning, on being applied to by Mr Gallatin to know whether he might expect a reply, informed him that such was not the intention; that they considered that note as merely furnishing explanations; and he expressed his surprise that any doubt could exist as to the final disposition of the British Government upon that subject.

After Mr Canning's death, the willingness of the United States

to accept, through the medium of separate legislation, the terms of the act of Parliament of the 5th July, 1825, was again communicated by Mr Gallatin to the British Government, by a note to Lord Dudley of the 17th August, 1827, in which he requested to be informed whether, if Congress complied with the recommendations which the President was willing to make, the United States would be admitted to the trade and intercourse allowed by the act of Parliament of the 5th of July, 1825.

Mr Huskisson, in a subsequent conference, informed Mr Gallatin that Great Britain considered the colonial intercourse as exclusively under her control, and that whatever terms might be granted to foreigners, would be considered as an indulgence; that he was not prepared to say whether, in any way, or, if at all, on what terms, it would be opened to the United States, in case of their repealing their restrictive acts.

Lord Dudley, in reply to Mr Gallatin's letters of the 4th June and 17th August, after reviewing the grounds urged by the United States to justify themselves in omitting to accept the terms of the act of Parliament of July, 1825, declined committing the British Government as to their course in the event of the United States adopting the measures proposed, on the following grounds, viz. 1st, that *much* must of necessity depend upon the details of the act which Congress might pass; 2dly, *more* on the condition of the country at the time of the passage, and the views which the British

Government might then have of their interest in the matter; and, 3dly, that any stipulations on the subject, would be a virtual departure from the ground taken by his Government to regulate the trade by law, and to decline all further negotiation concerning it.

The last information in the possession of this Government, in relation to the views of the present British ministry upon this subject, is derived from Mr Barbour in January last. He states that, in a communication held with Lord Aberdeen, in the presence of the Duke of Wellington, the former expressed his desire of having the colonial trade question judiciously adjusted, and his conviction that the interdict was injurious to the colonies, without a proportionate benefit to any other section of the empire. But from subsequent conversation with his lordship, and from information derived from our sources, Mr Barbour was induced to believe that the British Government does not contemplate any relaxation of its colonial system in favor of this country; that our late tariff, together with a strong conviction of their incapacity to compete upon equal terms with our navigation, contributes to this disposition; and that that Government would willingly withdraw the privileges of trading with its colonies, which it has granted to other nations, if that could conveniently be done.

Such is the present state of our commercial relations with the British colonies; and such the steps by which we have arrived at it.

In reviewing the events which

have preceded, and more or less contributed to, a result so much to be regretted, there will be found three grounds upon which we are most assailable, 1st, in our too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies; 2dly, in not relieving her vessels from the restriction of returning direct from the United States to the colonies, after permission had been given by Great Britain to our vessels to clear out from the colonies, to any other than a British port; and, 3dly, in omitting to accept the terms offered by the act of Parliament of July, 1825, after the subject had been brought before Congress, and deliberately acted upon by our Government. It is, without doubt, to the combined operation of these causes, that we are to attribute the British interdict. You will therefore see the propriety of possessing yourself fully of all the explanatory and mitigating circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced.

The trade, although not wholly suppressed, is altogether changed in its character. Instead of being direct, active, and profitable, as it once was, it is circuitous, burthensome, and comparatively profitless. The importation of the produce of the British West India colonies into the United States, may be said to have substantially ceased. It is wholly prohibited in British vessels, and allowed only direct from the producing colony. By the orders in Coun-

cil, the admission of American vessels is prohibited. Consequently, whatever of British West India produce is brought into this country (with the exception of what has been recently allowed to be imported from the Bahama islands, and the island of Anguilla) must either be brought by the vessels of other nations, which are permitted, under the act of Parliament of July, 1825, to clear from the colonies for any other ports, except in Great Britain and her possessions, or it must be imported as the growth or produce of other colonies, to which the vessels of the United States are admitted, and thus introduced in evasion of our law.

The export trade has been more considerable, though greatly and injuriously reduced. The degrees of nature, by which the British West Indies are made dependent on the United States for a great portion of their necessary supplies, though erroneously resisted, have not been altogether frustrated by the retaliatory and improvident legislation of the two countries. Large quantities of American productions still find their way to the colonies. The uncertainty as to how much of our produce is used in the ports to which the exportations are nominally made, renders it impossible to speak with accuracy as to the amount actually consumed in the British West India colonies since the ports were closed. In the opinion of intelligent merchants, it is about half as much as immediately before the interdict. It is carried in American vessels to the islands

of St Thomas and St Bartholomew on the one hand, and to the open ports in the British North American possessions on the other. From those ports, it finds its way to the British West India colonies, under different regulations in British vessels. This trade is burthened with double freight and insurance, the charges of landing and re-shipping, and also commissions and duties in the neutral ports, for that portion which goes by the way of St Thomas and St Bartholomew. The extra expenses thus produced have been estimated at fifty per centum on the first cost of lumber, and at from fifteen to twenty per centum on provisions. A great reduction of the quantity of our exports, and the entire exclusion from the trade of many articles of a perishable nature, which cannot now be sent, in consequence of the increased length of the voyage, with its unfavorable effects upon our navigation, are the chief injuries which result to our citizens from this state of things. It oppresses the West India planter, by unavoidably increasing the prices of such articles of American produce as he still finds it his interest to purchase, notwithstanding the disadvantages imposed upon their introduction. It is moreover understood, that the indirect trade is carried on on British account, and that, therefore, the principal part of the extra expenses to which it is subjected comes ultimately out of their pockets.

It is the anxious wish of the President to put an end to a state of things so injurious to all

parties. He is willing to regulate the trade in question upon terms of reciprocal advantage, and to adopt for that purpose those which Great Britain has herself elected, and which are prescribed by the act of Parliament of 5th July, 1825, as it is understood by us. You are directed to make a full and frank exposition of the views and wishes of the President in this respect, at as early a period, and in such manner, as you may judge best calculated to accomplish them, and to put it in his power to communicate the result of this overture to Congress at the opening of the next session. He is admonished by the past of the inutility of protracted discussions upon a subject which has been over and over again debated. He does not, therefore, wish to occupy you, or harass the British cabinet by their repetition. You are authorized to say to the British Government, on the part of the United States, that they will open their ports to British vessels coming from the British colonies, laden with such colonial productions as can be imported in American vessels, and upon terms in all respects equally favorable; and that they will also abolish the restriction contained in our act of 1823, confining the trade to a direct intercourse, upon condition that Great Britain will allow American vessels the privileges of trade and intercourse which were offered by the act of the 5th of July, 1825.

The President indulges a confident expectation that the British Government will assent to an adjustment upon these terms. He

is compelled to think so from a conviction that such an arrangement would promote the true interests of both parties—a result which he is confident is as much desired by Great Britain as it can be by himself, because she has heretofore given her deliberate assent to these terms, (and he finds nothing in the condition of the question which renders them less proper now than they were then;) and, finally, because he is unwilling to believe that Great Britain would make so invidious a distinction as to exclude us from a trade which she allows to the rest of the commercial world. The United States do not controvert her right to monopolize the trade with her colonies; and if the same interdict which excludes them from her colonial ports was extended to others, they would not complain. But the British Government cannot be insensible to the tendency which a discrimination of the character referred to must unavoidably have, to alienate those liberal and friendly feelings now entertained towards her by our people, and which it should be the pleasure, as it is the duty, of both Governments, to cherish and perpetuate.

If the omission of this Government to accept of the terms proposed, when heretofore offered, be urged as an objection to their adoption now, it will be your duty to make the British Government sensible of the injustice and inexpediency of such a course.

The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will

enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective part taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. The force of feeling which a course so unwise and untenable is calculated to produce would doubtless be greatly aggravated by the consciousness that Great Britain has, by order in Council, opened her

colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July, 1825.

You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion.

Should the amount of our protecting duties upon the productions of her colonies, or upon the manufactures of the mother country, be referred to, in connexion with this matter, you will be at no loss for the reply. The duties upon our agricultural productions, when imported into Great Britain, are beyond comparison greater than those imposed by the United States on the productions or manufactures of Great Britain or her colonies; and the denial of her right to impose duties on articles the production of the United States, when imported into the colonies, in order to protect those of the colonies themselves, or of the mother country, was a leading and avowed motive for the stand taken by Great Britain in relation to the colonial trade. This is a subject on which each nation must judge for itself. It is one upon which, it is well known, there exists great diversity of opinion among our own citizens, but in respect to which no stipulations can be made with a foreign power; at least without reciprocal engagements on the part of such power—engagements into which there is no reason to believe that the Government of Great Britain would at this time enter. If, by the imposition of those duties, the

United States can secure the production of the same articles at home, it is their right and their duty to persevere. If not, the principal burthen falls upon their own citizens, and consequently furnishes no cause of complaint on the part of others.

If the encouragement, by Great Britain, of her North American possessions in the growth and production of similar articles to those with which we supply her West India colonies, is the motive, the objection is no less obvious. To that end, the parent Government now exercises, without complaint or objection on our part, the common right of imposing higher duties on articles which are not, than on those which are, the growth or produce of their North American possessions; and in doing so she exercises to the full the right conceded to all nations, of encouraging home productions by the imposition of protecting duties. The exclusion of one nation from the privilege of bringing into the ports of another articles that come in competition with home productions, while their introduction is conceded to the rest of the world, is a measure which cannot find its justification in any principles applicable to the protective system. If, however, the President should be disappointed in his expectations, founded on these and other corresponding views of the subject, he wishes you to ask (a request which he is confident will be readily granted) that you may be favored with an early and definitive answer to the propositions you are authorized to submit. He makes this appeal to

the candor of the British Government, that he may be enabled (in the event alluded to) to lay before Congress, at the commencement of the next session, the result of this overture, to the end that that portion of the capital and enterprise of our country which is now waiting the decision of the question may seek other channels of employment.

Should your advances be met in the spirit in which they are offered, it will become important to consider of the form in which the proposed adjustment ought to be made.

This Government has heretofore strenuously contended for an arrangement by treaty, and that of Great Britain has as strenuously opposed any other mode than that of separate legislation. The President is willing to adopt either mode. If the views of the British Government are now different in that respect, and an arrangement by treaty be acceptable, you are authorized to conclude it upon the principles of these instructions. In that event, the President relies upon your known discretion and intelligence that the articles to which you agree shall be in such form as will carry into full and fair effect the views of this Government as now expressed.

If (which is more probable) a resort to mutual legislation is preferred, the consideration of the mode best calculated for the satisfaction of both parties will occupy your attention.

That may be effected in one of two ways, viz. either by an order in Council, opening the British ports to American vessels after a

certain day, in the event of the United States having before that time complied with the conditions of the act of Parliament of the 5th of July, 1825, by opening our ports to the admission of British vessels, and allowing their entry with the same kind of British or colonial produce as may be imported in American vessels, the vessels of both countries paying the same charges; by suspending the alien duties on British vessels and cargoes, and by abolishing the restrictions in our act of 1823 to the direct intercourse between the United States and the British colonies — thus leaving Great Britain in possession of the circuitous trade between Great Britain proper and the United States, through the British colonies. Or, the President will recommend the same measures to Congress, at their next session, on being assured by the British Government that the passage of an act of Congress to that effect will lead to the revocation of the British order in Council of July, 1827, to the abolition or suspension of all discriminating duties on American vessels in the British colonial ports, and to the enjoyment by us of the advantages of the last mentioned act of Parliament.

You are authorized to agree to either mode, but the former is, for many reasons, to be preferred. In all that is said upon the subject, it must be borne in mind that the President, whatever may be his wishes, or the course he might otherwise adopt, has no authority to move in the matter without the aid of Congress. The only laws relating to this subject, now in



force, are the acts of 1818 and 1820, by virtue of which our ports are closed against the admission of British vessels engaged in the colonial trade. They do not confer a dispensing power on the President, and he has no such authority derived from any other source.

Some explanatory act, or a stipulation having a prospective view to such provision as Congress may make, will certainly be necessary to enable the United States to avail themselves of the privileges offered by the act of Parliament of 1825. By that act we are required, as a condition to the enjoyment of its advantages, to place the commerce and navigation of Great Britain and her possessions abroad upon the footing of the most favored nation. If it is meant by the condition that the commerce and navigation of Great Britain, and of her possessions abroad, shall be gratuitously and generally placed on the same footing with those of the most favored nation, by granting to them privileges which are allowed by us to other nations for equivalents received, it would be wholly inadmissible.

By the laws of both countries, the vessels of each are prohibited from importing into the ports of the other any other productions than those of the country to which such vessels respectively belong. By the laws of the United States, this restriction is applied only to those countries which apply a similar interdict to our commerce. **Almost all other countries have excluded it from their navigation codes ; such nations, therefore,**

enjoy the privilege of importing from any country upon paying our alien duties — a privilege which we cannot extend to Great Britain, because her laws deny it to us.

Our discriminating duties, also, have, in consequence of arrangements by treaty, been abolished as to certain nations, and their vessels and cargoes admitted on equal terms with those of the United States. We have, moreover, treaties with Central America and Denmark, by which it is stipulated that whatever can be imported to, or exported from, either country, from or to any foreign place, in its own vessels, may be so imported or exported in the vessels of the other country, on the payment of the same duties. Should the terms 'most favored nation' be understood by Great Britain in the sense I have referred to, she would entitle herself, in case of a literal compliance on our part with the terms of the act of 1825, to all those privileges for her European navigation and commerce, without reciprocating them to the United States — a privilege she would, it is hoped, be too just to desire, and which, certainly, the United States could not for a moment think of granting. The force of these objections, and the necessity of preliminary explanations upon this head proceeding from the British Government, was virtually admitted by Lord Dudley, in his reply to Mr Gallatin's notes of the 4th of June and 17th July, 1826 ; but he considered them as answered by the statement of Mr Gallatin, that the President was willing to recommend certain specific measures to Congress, as

a fulfilment of the conditions of the act of 1825, and the President would have adopted them himself if he had been clothed with authority to that effect.

The simple and sufficient reply to this view of the matter is, that those measures were proposed by the United States, not as a strict compliance with the conditions required, but as all that they could offer, and with an accompanying declaration that they fell short of what the act of 1825 required, and would still leave our commerce with the colonies dependent upon the future dispensation of the British Government. The validity of this opinion Lord Dudley did not attempt to controvert.

If it is then true that either further preliminary legislative acts, or a prospective stipulation on the part of Great Britain, be necessary, a previous order in Council should be preferred: First, Because it would obviate the two principal objections stated by Lord Dudley to her binding herself for the future. Those objections were, that the future course of Great Britain must, necessarily, in part, depend upon the details of such act as Congress might pass; and that the very fact of making such a stipulation would be a departure from a ground which their Government had taken upon full deliberation, that they would not suffer themselves to be drawn into any negotiation upon the subject of the colonial trade, but claimed for themselves the right to regulate it by their own separate and independent legislative acts. The mode proposed would manifestly obviate the first objection, and avoid the other. Secondly, Be-

cause such an act on the part of Great Britain, after the past transactions of the two Governments on this subject, could not fail to remove all asperities from the minds of our people, and contribute more than an adjustment in any other form to produce that spirit of mutual kindness between the two countries which it is the interest of both to cherish, and which the President is earnestly solicitous to maintain.

Assuming that the step can be taken by Great Britain (as it assuredly can) without disparagement, the consideration stated would, it is believed, have a persuasive influence on her conduct. In issuing such an order in Council, the British Government would only be acting upon the same policy which it has in part already pursued in relation to the Bahama islands and the island of Anguilla. Great Britain revoked her order in Council of July, 1827, as to those islands, because it was required by a due regard to her interests. That being ascertained, no consideration of form or matter of feeling was allowed to interfere. What good reason can be assigned why the same should not be done for the maintenance of greater interests, and under more eligible circumstances? Should that mode, however, be declined, it is hoped that the only remaining one will be adopted without hesitation.

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*Mr McLane to the Earl of Aberdeen.*

9, Chandos St., Cavendish Square, }  
Dec. 12, 1829. }

My Lord: I had flattered myself with the hope of receiving before this time a decisive answer from

his Majesty's Government to the propositions which I had the honor to make some time since for an arrangement of the trade between the United States and the British American colonies ; but, while I regret the delay that has taken place, I am aware that it has hitherto been unavoidable. In the hope, however, that after the various conversations which I have had the honor to hold with his Majesty's Ministers in the course of this negotiation, they may be prepared definitively to dispose of the subject, I beg leave to make your Lordship the present communication.

In entering upon the negotiation, I separated this from the other objects of my mission, and presented it singly before his Majesty's Ministers, that it might receive their early consideration and prompt decision, and that I might thereby the better promote the views and wishes of my Government. I early informed your Lordship of the anxious desire of the President of the United States that the question may be put immediately and entirely at rest. In this he is influenced not merely by a wish to liberate and give activity to such portion of the capital of his fellow-citizens as may be awaiting the decision of this question, but also by the higher motive of speedily terminating a state of things daily becoming more prejudicial to the friendly relations of the two countries.

Disclaiming, on the part of the United States, in reply to certain observations of your Lordship, all hostility to this country in their

system of protecting duties, and disconnecting that system from any arrangement of this particular question, I endeavored to lay this subject before his Majesty's Ministers divested of all considerations but such as peculiarly relate to this branch of the commerce between the two nations.

Conceiving that experience had already proved the existing colonial regulations to be injurious to the interests of both countries, the President was induced to hope that true policy alone would dispose his Majesty's Government to change them. He could perceive no good reason why Great Britain should now refuse her assent to the terms of arrangement which she herself had heretofore voluntarily proposed ; and, as the order in Council of July, 1826, did not embrace Russia and Sweden, though both were within the scope of the act of 1825, and as it had been subsequently rescinded as to Spain without equivalent, he was unwilling to suppose that any unfriendly motive could induce a peculiar and permanent exclusion of the United States from participation in a trade thus conceded to the rest of the world.

In fact it appeared that a material alteration had taken place in the colonial system, and in the relations between the two countries, produced by the recent relaxation of the order in council in favor of Spain, which left the United States the sole excluded power, and by the injurious operation of the existing regulations upon the interests of Great Britain. It was not unreasonable, therefore,

to suppose that the negotiation might be advantageously resumed; that the British government might be induced to rescind entirely their order in council of 1826, and that a satisfactory arrangement might immediately be made by the reciprocal acts of both governments.

In the course of my negotiation, however, I have met with difficulties much greater than had been anticipated. There were objections opposed to any arrangement. Among these were the measures of the United States restricting the British colonial commerce subsequently to their failure to accept the terms offered by the act of Parliament of 1825, and the claims to protection urged by those interests which are supposed to have grown up in faith of the act of 1825 and the order in council of 1826. Indeed, I distinctly understood that these were insuperable obstacles to any relaxation in the colonial system of Great Britain, unless some previous change should be made in the legislation of the United States.

With this understanding, though I by no means admitted the force of these objections, I deemed it expedient, in this state of the negotiation, to make the following proposition: that the government of the United States should now comply with the conditions of the act of parliament of July 5, 1825, by an express law opening their ports for the admission of British vessels, and by allowing their entry with the same kind of British colonial produce as may be imported in American vessels, the vessels, of both countries paying

the same charges; suspending the alien duties on British vessels and cargoes, and abolishing the restrictions in the act of Congress of 1823 to the direct intercourse between the United States and the British colonies; and that such a law should be immediately followed by a revocation of the British order in council of the 27th July, 1826, the abolition or suspension of all discriminating duties on American vessels in the British colonial ports, and the enjoyment, by the United States, of the advantages of the act of Parliament of the 5th July, 1825.

By this offer on the part of my Government, I hoped to remove even the pretence of complaint against its measures; and I trusted that, in thus throwing open, by its own act, to all of his Majesty's subjects, a trade at present enjoyed by but a few, it would effectually silence those partial interests which, springing out of a system of restriction, and depending as much upon the countervailing laws of the United States as upon the regulations of their own Government, subsist entirely upon the misfortunes of the British West India planters, and the embarrassments of the general commercial capital and enterprise of both nations.

In repeating the proposition, as I now have the honor to do, and in renewing my solicitation that it may be taken into early and candid consideration, and produce a prompt and favorable reply, I refrain from leading to further discussion and delay by a more detailed reference to the various suggestions by which, in

the course of the negotiation, I have had the honor to recommend it.

Entertaining, however, the conviction I have heretofore expressed, of the wasting effects of the present regulations upon the substantial interest of the two countries, I cannot close this letter without again remarking that delay can only tend to increase the difficulties on both sides to any future adjustment, and that it will be difficult for the United States to reconcile the marked and invidious relation in which they are now placed with their idea of justice, or with the amicable professions of this Government. That relation involves consequences reaching far beyond the immediate subject in discussion, and of infinitely greater importance to the future intercourse of both countries than any value which the trade affected by these regulations may be supposed to possess.

It is this view of the subject which unites the sympathy of all interests in the United States with their commercial enterprise, which touches the pride and sensibility of every class of their population, and which, I trust, will make its due appeal to the candor and liberality of his Majesty's Government.

I pray your Lordship to accept the assurance of the high consideration with which I have the honor to be your Lordship's most obedient and very humble servant,

LOUIS McLANE.

To the Right Hon. the Earl of Aberdeen, &c, &c, &c. }

*The Earl of Aberdeen to Mr McLane.*

Foreign Office, Dec. 14, 1829.

SIR: I have had the honor to receive your letter of the 12th instant, formally recording the desire entertained by the Government of the United States (and previously declared by you in verbal conferences) for the removal of the existing restrictions on the intercourse between the British West India colonies and the United States, with the view of placing the commerce of the two countries on a footing more consonant with the substantial interests of both nations, and with the amicable relations which happily subsist between them.

I shall lose no time in bringing the propositions contained in your letter under the consideration of his Majesty's Government.

Whatever may be the result of their deliberations on this question, of which you are already apprised of some of the difficulties, you may be assured that his Majesty's Government will enter into the consideration of it with the most friendly feelings towards the Government of the United States.

I have the honor to be, with high consideration, sir, your most obedient humble servant,

ABERDEEN.

Louis McLane, Esq., &c, &c, &c.

*Mr Van Buren to Mr McLane.*

Department of State, }  
Washington, Dec. 26, 1829. }

Your despatch No. 5 has been duly received, and submitted to the President. From subsequent but unofficial information, he is in-

duced to believe that the British cabinet are disposed to reciprocate the liberal views by which he is himself actuated, by the adoption of some just and equally beneficial arrangement in regard to the colonial trade ; but that, for reasons applicable to their side only, they desire a short delay before a final decision is made upon the subject. Confiding in the sincerity of the professions which are understood to have been made to you, and equally anxious to remove all grounds of uneasiness between the two countries, the President has directed me to communicate to you his views in regard to the question of time. This shall be done in the same frank and friendly spirit which characterizes your general instructions in this regard, and which has left in them nothing that requires concealment. Not foreseeing any difficulty or embarrassment to the British Government in coming to a prompt decision upon that branch of the subject of difference between the two countries, you were instructed to ask for such decision at as early a period as should be found consistent with perfect respect and courtesy. The motive of this Government for pursuing that course was avowed to consist in a belief that no practical good could result from a protracted discussion of matters already so fully debated, and in a desire to communicate the result, whatever it might be, to Congress, for its own action, and the information of its constituents. The explanations which are understood to have been made to you by the leading members of the British cabinet,

are, however, sufficient to induce the President to acquiesce in a compliance on your part, with their wishes in regard to time, provided the proposed delay be not such as to defeat the expressed views of this Government in case of a result adverse to its wishes. For the probable length of the present session, and the period at which the President ought to be possessed of the final decision of the British Government, to enable him to lay it before Congress in due season, your own judgment and knowledge of circumstances may, with safety, be relied upon. The reasons for doing so at an early period are very strong, but the President is disposed to content himself, under existing circumstances, with any course which will enable him to protect the interests of this country from the injuries that might result from long delay. Your intimate acquaintance with the whole subject renders it unnecessary for me to enter into a particular consideration of the measures which would, most probably, be regarded by this Government as proper and expedient, on our part, in the event of an entire failure of the negotiation, and enables you to form a proper estimate of the value of time in respect to the utility of their adoption. You will be governed, accordingly, by a view of all these circumstances, as to the extent of the proposed delay which would be acceptable here, in reference to the adjustment of this important interest.

Independently of the steps necessary and practicable to open and improve new channels for the

trade which would thus be permanently abandoned, the justice and propriety of defeating the interested views of the northern British colonies is a subject which is earnestly pressed upon the consideration of this Government.

The desire so strongly manifested in that quarter to give permanency to a state of things altogether artificial in its character, and as much at variance with the repeated and solemn opinions of both Governments as with the best interests of the two countries, has excited much sensibility there; and the active agency which that interest is understood to exercise in thwarting your efforts to place matters on their only natural and true footing, serves greatly to increase that feeling. The propriety of an immediate legislative provision, prohibiting our trade with the Canadas, and other free ports, after a certain day, if the present colonial regulations of Great Britain should at that time remain unchanged, is strongly advocated; but the President is disinclined to bring that subject to the notice of Congress during the pendency of your negotiation, by the apprehension that the step might, under these circumstances, be regarded as wearing the appearance of menace, and thus give an acrimonious character to a negotiation which it is his wish should be of the most kind and amicable nature.

It is hoped that the President's message will aid the liberal views which the principal members of the British cabinet are understood to entertain upon this point, by disabusing the mind of the Eng-

lish public in regard to the views and wishes of this country, and by impressing it with just notions of the sentiments of the President. There certainly never was a time better calculated for the improvement of the relations between the two countries than the present. The solicitude sincerely felt by the President upon this head is greater than the occasion referred to would allow him to express: and I am persuaded that there has been no event in his public life that has caused him as much regret as he would experience in failing to be instrumental in the establishment of the very best understanding between the United States and Great Britain.

I am, sir, with great respect,  
your obedient servant,

M. VAN BUREN.

*Mr McLane to the Earl of Aberdeen.*

9, Chandos St., Portland Place, }  
London, March 16, 1830. }

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, in calling the attention of the Earl of Aberdeen, his Majesty's principal Secretary of State for Foreign Affairs, to a proposition which he had the honor to submit in writing on the 12th of December last, for an arrangement of the trade between the United States and the British American colonies, and in praying for a decision thereupon, is influenced, not merely by considerations of duty, urging him to avoid further delay, but by a hope that the time already afforded for deliberation has been suffi-

gent to enable His Majesty's Ministers to judge of the reasonableness of his demands.

The Earl of Aberdeen is already aware that, whatever may be the disposition which His Majesty's Government may now be pleased to make of this subject, it must necessarily be final, and indicative of the policy to which it will be necessary, in future, to adapt the commercial relations of each country. As the regulations on the part of the United States which will follow the decision of this Government can be adopted by the Congress alone, it becomes the duty of the undersigned to ascertain and transmit such decision during the present session of that legislative body. But, while the undersigned again solicits the earliest convenient answer to his proposition, he cannot but repeat that it will be happy for both countries if their measures shall coincide in cultivating those liberal principles of mutual accommodation which are the elements of common prosperity and united strength.

However the fact may be regretted and condemned by enlightened statesmen, it cannot be concealed that ancient prejudices and unworthy animosities do still linger among the people of both countries; and the Earl of Aberdeen has been too distinguished an observer of events not to perceive the operation of those causes in fostering a spirit of commercial jealousy, especially in relation to the colonial trade.

It should be the desire, as it is the interest, of both Governments, to extinguish these causes of mu-

tual bitterness; to correct the errors which may have interrupted the harmony of their past intercourse; to discard from their commercial regulations measures of hostile monopoly; and to adopt, instead, a generous system of frank and amicable competition.

There has never occurred, in the history of the two countries, a fairer opportunity than the present to effect this desirable object; and the undersigned feels pleasure in remarking the favorable disposition professed by both Governments on the subject. He begs to suggest, however, that this period of amicable expressions deserves also to be signalized by acts of mutual concession, which may remain to the people of both countries as earnest of those liberal relations which their Governments have resolved to cultivate. Such would be embraced in the proposition which the undersigned has already had the honor to submit; namely, that the United States should do now that which they might have done in 1825 — rescind the measures which may be alleged to have contributed to the present evil, and repeal the laws which have been matters of complaint; and that England should assent now to a measure which, but a few years since, she herself proposed.

The undersigned is unwilling to pass from this topic without reassuring the Earl of Aberdeen that it is from considerations of this kind that the subject derives its highest importance in the view of his Government. There is no disposition to deny the injurious effects of the existing regulations upon the commercial and navi-



gating enterprise of the people of the United States, associated, as it evidently is, with the substantial prosperity of the British West India colonies. Much of the injury, however, and especially that arising from the temporary inactivity of a portion of American capital, might soon be remedied by acts of the Legislature, opening new channels for commercial enterprise. But the evil most to be apprehended is, that, in recurring, on both sides, to the remedy of legislative enactments, a spirit of competition might be immediately awakened, which, however dispassionately it might commence, would be too apt, in a little while, to become angry and retaliating. In cases of the kind, as has been too well proved, one step necessarily leads to another, each tending more and more to estrange the two nations, and to produce mutual injuries, deeply to be deplored when they can no longer be remedied.

It is far from the intention of the undersigned to intimate that the United States could be disposed to complain of any commercial regulation of Great Britain, which by a system of reasonable preference, should consult the interests of her own subjects, provided it were done in a spirit of amity and impartiality, and that it should place all nations on an equal footing. But, when the United States shall think they have grounds to consider themselves singled out from all other nations, and made the exclusive object of an injurious regulation ; when they shall imagine it levelled at their prosperity alone, either in

retaliation of past deeds, or for interested purposes—to secure some adventitious advantage, or to encourage a hostile competition, by means of commercial monopoly ; however justifiable, in such case, they may admit the regulation to be, in point of strict right, they will hardly be able to refrain, not merely from complaint, but from a course of measures calculated, as they may think, to avert the intended injury, though pregnant, perhaps, with consequences to be ultimately lamented.

While the undersigned would, in no degree, impair the full force of these considerations, he would, at the same time, be distinctly understood as not employing the language of menace. He has conducted his whole negotiation with an unfeigned and anxious desire to see the relations of the two countries placed on a footing equally advantageous and honorable to both, as the only means of insuring lasting amity ; but, being profoundly sensible of the causes by which this desirable object may be defeated, he has framed his proposition in such a manner as to enable His Majesty's Ministers to co-operate in his views, without departing from the principles of their system of colonial trade and government. To this effect, the proposition which he has had the honor to submit, concedes to Great Britain the right of regulating the trade with her colonies according to her own interests, and asks no exemption from the discriminating duties which she has instituted in favor of her own possessions. It invites a participation in a direct, rather

than a circuitous trade, upon terms which Great Britain deliberately adopted in 1825, as beneficial to her colonies, and which she continues to the present day to allow to all the rest of the world. A rejection of it, therefore, would appear to result, not from any condemnation of the direct trade, or any conviction of the impolicy of permitting it with the West India colonies, but rather from a determination of excluding from it the commerce of the United States alone.

It is not the intention of the undersigned to undertake here the difficult task of minutely recapitulating on paper the various suggestions by which, in the course of his conferences with His Majesty's Ministers, he has endeavored to enforce an arrangement on the terms heretofore stated. He trusts, however, to be excused, if in making this last application for an early decision, he should recur to a few of the more leading considerations connected with the present state of the negotiation.

And here the undersigned begs to observe that, whatever hope he may have indulged on this subject at any period of the negotiation, it has been founded, not so much upon the expectation of peculiar favor to the United States, as of a liberal compliance, by His Majesty's Government, with its own regulations, in allowing the United States to participate in a trade permitted to all the rest of the world, so far as their participation should contribute to the purposes for which

such trade was, in any manner, authorized.

The arrangement, therefore, proposed by the undersigned, does not urge upon the British Government a departure from what may be considered its ordinary colonial regulations, for the benefit of the United States, but a recurrence to a course of trade beneficial alike to the commerce of the United States and the colonial interests of Great Britain, and which has been interrupted by causes not foreseen by the latter, and highly disadvantageous to both nations.

It was the hope of the undersigned, that, if the interests of that portion of the British dominions which, in the sixth year of his present Majesty's reign, dictated the regulations proposed by the act of Parliament of that year, could be subserved by their adoption now, Great Britain would not be prevented, by any causes accidentally or improvidently arising, or by any exclusive policy towards the United States, from renewing now the offer she then made.

The undersigned is not disposed to deny that any departure from the rigid policy by which the colonies are excluded from all commercial intercourse, except with the mother country, must be founded on the interests of the colonies themselves; and it will be doubtless conceded that such was the object of the regulations proposed by the act of Parliament of 1825, which were intended to furnish the British West India islands with a more exten-

sive market for their productions, and with the means of supplying themselves, on the cheapest terms, with all articles of foreign produce of which they might stand in need.

The act of 1825 was, in fact, a relaxation of the previous policy, affording to the West India colonies advantages of trade which they had not previously enjoyed, and offering the benefit of their commerce to all the world. It will scarcely be denied that this relaxation was dictated by a wise regard for the peculiar wants of those islands. Abundant proof of this may be found in the reciprocal privileges granted at the same time to the other possessions of Great Britain, the interests of which might be supposed to be affected by these regulations; and more especially in the privileges conferred on the northern possessions, of introducing their grain into England at a fixed and moderate duty, and of receiving in exchange, and importing directly from all parts of the world, productions similar to those of the West India islands; and also in the reduction of the duty on the Mauritius sugar, in the ports of Great Britain, to an equality with that on the West India sugar.

It will scarcely be doubted that these privileges were fully commensurate with the object. Indeed, it must be perceived that they were of extensive scope and growing importance, materially affecting the present and prospective trade of the West India planters. They conferred on the northern possessions a free and direct trade, not only with the

European ports, but with the continent of South America, in which are countries daily increasing in resources, and destined, beyond a doubt, when the advantages of their soil and climate shall be properly cultivated, to become rival growers of the West India produce.

It may be safely affirmed that these are privileges of greater magnitude than any conferred by the same act on the West India islands; and it is worthy of remark that they are still enjoyed by those possessions, constituting a source of profit and prosperity; while, of those for which they were given as an equivalent, the West India planter has been almost ever since deprived.

It could not be imagined that the remotest forethought was entertained of this state of things, by which the West India islands would ultimately be deprived of their most natural and profitable market, and their interests sacrificed to the adventitious prosperity of possessions, which already, in the privileges heretofore alluded to, and in the scale of discriminating duties provided by the act of Parliament, enjoyed advantages equivalent to any accorded by the protecting policy of Great Britain. Much less could the undersigned permit himself to suppose that the act of 1825 contemplated any other objects than those which it ostensibly imported, or that those objects could be permanently defeated by accidental causes.

The undersigned need not here enter into a particular defence of the omission on the part of the

United States seasonably to embrace the offer of the direct trade made by Great Britain in the year 1825, and to which allusion has so frequently been made. Whether it be a subject more of regret or of censure, it ought to be enough that the claims advanced in justification of it have since been abandoned by those who made them — have received no sanction from the people of the United States, and that they are not now revived. If it be the intention of Great Britain to perpetuate the present state of things from a belief that it is more for her interest, she will require no warrant from the past; and if she intend it for any other purpose, the mistakes of the past will not justify a policy observed towards the United States alone, while unenforced against other nations chargeable with similar neglect. If these mistakes have led to the mutual injury of both countries, there ought rather to be inspired a disposition to remedy such injury, and to prevent its future recurrence.

The undersigned, therefore, may be content to admit, that, in consequence of the failure by the past administration of the Government of the United States to comply with the provisions of the act of Parliament of 1825, by repealing certain restrictions in their laws deemed incompatible with the interests of the colonies, Great Britain thought proper, by order in Council, to exclude them from the direct trade authorized by that act. But it cannot, therefore, be supposed that they were thus excluded because Great Britain had repented of the regu-

lations of 1825, which she continued to extend to all other nations, though some of them, too, had neglected the conditions of that act; neither could it be supposed that the importance of a direct trade with the United States had in any degree diminished.

It is not a fair inference from any measure, neither is it avowed on the face of any public document of Great Britain, that, by the interdict applied by the order in Council, she intended, permanently and unchangeably, to deprive the United States and her West India islands of the benefit of a direct trade, which had always been deemed of the first importance to both. The opposite is the natural inference; and it is due to the character of Great Britain, and to her knowledge of her true interests, to believe that the adjustment of trade with her several possessions by the act of 1825, was in her opinion, salutary, and that she sought to secure it in every part, and to give it more complete effect, by her order in Council, the true intent of which was to exclude the United States from the direct trade merely until they should consent to engage in it on terms mutually advantageous. It was thus, while her other possessions were left in the enjoyment of their privileges, Great Britain intended to secure to the West India islands the commercial benefits which had been designed for them by these regulations.

Nor are the answers heretofore given by this Government in the course of previous negotiations, incompatible with this interpreta-

tion of the order in Council. After applying the interdict for the purposes of the act of 1825, it was not unreasonable that the time of its removal should be adapted to the same ends. It might have been designed, not merely to evince the predilection of Great Britain for regulations adopted in 1825, but to manifest to all other nations the mutual advantages of that course of trade, and to yield to a liberal spirit when that effect should be produced. The language of the late Mr Canning, and of Lord Dudley, authorizes this belief. Mr Canning said no more than that the British Government would not feel bound to remove the interdict, as a matter of course, whenever it might suit a foreign nation to reconsider her measures, implying, surely, that, under other circumstances, our overture would not be rejected. In the negotiation with Mr Canning, moreover, the American pretensions, which, before that time, had embarrassed an arrangement, were not conceded; and on that ground, particularly, Mr Gallatin's proposition was then declined. At the time of the negotiation with Lord Dudley, neither party had felt the effects of a state of things which neither had ever contemplated, and for which Great Britain had never, until then, manifested any desire.

Without attempting here to point out the error of Lord Dudley's conception of Mr Gallatin's proposition, the undersigned contents himself with suggesting that his answer most particularly referred to the proposition merely

in regard to the form and the time. It neither said nor intimated, as, had such been the intention, it unquestionably would have done, that Great Britain designed, by the order in Council, permanently to abandon the objects of her act of 1825.

It must be admitted that such inference would be incompatible with the views entertained by the present ministry, as expressed in the order in Council of 1828, gratuitously extending and continuing to Spain the privileges granted by the act of 1825, which she, also, had forfeited, by failing, up to that period, to comply with the conditions.

On no supposition, consistent with ordinary impartiality towards a friendly nation, can this order be reconciled, than that the whole subject rested in the discretion of the ministry, to be changed and modified at any time when they might deem it expedient.

The undersigned, therefore, takes leave to suppose that the present state of things is new and unexpected in the colonial history of Great Britain; that the interests and advantages dependent upon it are adventitious, subordinate, if not opposed, to the objects of the act of Parliament of 1825, and injurious to the interests contemplated by that act; and that it was neither intended to be produced nor perpetuated by the order in Council of 1826. He is induced, therefore, by these considerations, to renew his hope that the real purposes of that order may now be fulfilled, and the cardinal object of the act of 1825 effectually promoted.

He would venture to ask, moreover, whether those interests which have recently sprung up out of this adventitious state of things, which depend upon accidental causes, and subsist upon the sufferings of others more ancient in standing, and at least equal in magnitude, have any peculiar claim to be upheld? They connected themselves with a course of trade subversive of the leading motives of the act of 1825, and necessarily temporary, and which it would be unreasonable to convert into a permanent arrangement, unless it could be proved that it had attained, or was likely to attain, in some other way, all the objects contemplated by that act.

The regulations of the sixth year of his present Majesty's reign were not adopted without reason, or uncalled for by the condition of the West India colonies. The improvident legislation with which their trade with the United States has been unhappily restricted, subsequently to the year 1822, had produced embarrassments which all acknowledged, and which the measures of 1825 proposed to obviate, by extending the market for their productions, and enlarging the means of a cheap supply.

Such, it must be admitted, was the obvious remedy for the evil; and, if their own picture of actual distress and embarrassment be not overdrawn, the situation of the West India planters is more in need of its application at present than in the year 1825. Seldom, indeed, if ever, have their distresses been more intense, or

their supplications for relief more urgent.

It is also true that, according to usual custom in periods of public distress, the evils which now afflict the West India planters have been ascribed to causes various in their nature, and not always consistent. For evils of general prevalence, however, there is always some cause of general and uniform operation; and it certainly is not unfair to argue that the same circumstances which have led to such a calamitous state of things at one period, may lead to similar effects at another; therefore, that an aggravation of those causes which produced the embarrassments prevalent from 1822 to 1825, may produce the same, in a still more oppressive degree, at present, and may render them insupportable hereafter.

That there is an immense reduction in the value of colonial produce, is not a matter of conjectural speculation. It will not be denied that it has been taking place gradually since the interruption of the direct trade, until it may be affirmed that the net proceeds of a single hogshead of sugar are less, by ten pounds sterling, than they were in the last year.

It is not a matter of doubt to the undersigned that the total loss to the West India planters of a direct trade with the United States, the most natural source of their supplies, and the most profitable market for their productions, by enhancing the price of the one, and not merely lowering the price, but diminishing the quantity of

the other, is sufficient, without the aid of other causes which might be cited, to produce a state of distress greater even than that of which they at present complain.

The Earl of Aberdeen will scarcely need be informed that the consumption, in the United States, of West India produce, is very considerable; but it may not be superfluous to state that, of foreign sugar alone, it is certainly little less than sixty millions of pounds per annum; of foreign molasses, it is not less than thirteen millions of gallons; and of foreign rum, it is equal to three millions and a half; and yet, in consequence of the present embarrassments of the direct trade, the importation of British West India produce has substantially ceased.

It does not appear, in the meantime, that the planter has been indemnified for his loss by any other market. In that of London, he certainly has not: it neither requires the surplus produce thus left on the hands of the planter, nor offers him an equal price for that which it consumes.

The freight to New York is one shilling, and to London five shillings per hundred weight; the difference of insurance between the two places, also, is as one to six per cent. The price of sugar, therefore, ought to be proportionably higher in the London market. The Earl of Aberdeen will perceive, however, by a reference to the prices current of Philadelphia, Boston, and London, already submitted to his inspection, that, instead of being greater, the price

is less in the market of London than in that of the United States. The sugar of St Croix, which is of an inferior quality to that of Jamaica, is quoted in the prices current of the United States at from eight to ten dollars and fifty cents per hundred weight; and while the price of nine dollars and fifty cents, after deducting freight and duty, would net twenty-five shillings sterling, the prices in London, it is believed, do not net more than twenty-two shillings per hundred weight, for sugar of similar quality. The undersigned begs leave also to remark, that an examination of the same prices current, for the purpose of comparing the prices of the lower qualities of sugar, as well as of rum, would present a more striking disparity in favor of the market of the United States.

It may not be necessary to assert the impossibility of supplying the West India islands at present without the aid, directly or indirectly, of the United States. If this were not the case, unless the supplies could be drawn from other possessions of Great Britain, the undersigned will not imagine that there could be any motive or pretence, as between other nations, to exclude the United States; more especially as it is not likely that any other nation could furnish them on terms equally advantageous.

But the undersigned may assert with perfect safety, that, for a great portion of their principal supplies, especially flour, Indian meal, rice, boards, staves, and shingles, the West India islands must be, for a long time, dependent upon the

United States ; for rice, in fact, they must always be so. The proximity of the ports of the United States and the West India islands to each other ; the adaptation of their productions to their mutual wants ; the capacity of the United States to furnish the principal articles of provisions, at all seasons, in a fresh state, and by a cheap navigation ; and, above all, the extent and steadfastness of their demand for the island productions, not only constitute them the best customers of the planters, but give them advantages for such a trade not possessed by any other nation. Even the British northern possessions, if in fact they were equally capable of producing the necessary articles, could not enter into competition upon equal terms. The physical impelliments which, for at least half the year, embarrass their intercourse with the islands, compel the latter, during that time, to look elsewhere for any immediate supplies of which they may stand in need.

Not to dwell too minutely on this point, the undersigned will content himself with referring to the general course and extent of this trade in all past times ; to the value of the supplies uniformly furnished by the United States, under all the disadvantages of a restricted and embarrassed intercourse ; and to the vast amount which is even now finding its way through indirect and difficult and consequently expensive channels, under a positive and total interdict of the direct trade. Surely if other parts, with which the trade is not merely direct, but highly

favoured, were actually able, from their own resources and productions, to furnish these supplies, there would be no recourse for them to the United States.

The undersigned is unable to speak with precision of the amount of provisions and other articles actually supplied from the United States in the present course of business. There is a difficulty in tracing the trade through the numerous channels into which it has been diverted from its natural course. Tabular statements are not, in all respects, full and accurate ; especially when they relate to merchandise transported across the frontier lines, and passing down the St Lawrence to the northern possessions ; of such there being but little, if any, account taken in the custom-houses.

These circumstances render all conclusions on this subject more or less matters of conjecture. It is the opinion, however, of the most intelligent persons engaged in the trade, both before and since the order in Council of 1826, and an opinion which, it is believed, cannot be controverted, that an amount equal to more than half of that heretofore exported through the direct channels still continues to go by the present circuitous routes. It has even been asserted by intelligent commercial men, that Jamaica has not consumed less of the flour, and provisions generally, of the United States, though at an additional and oppressive expense, than when the trade was direct. The routes through which these supplies now pass comprehend not merely the northern possessions, which have



the solitary advantage of occasionally affording a better assortment of goods, but the islands of St Thomas and St Bartholomew's, Martinique, Guadeloupe, and the port of St Jago de Cuba.

It is believed that those facts will be fully sustained, so far as certain official returns in the archives of this Government, to which the undersigned has had access, may be relied on. One of these, being a comparative account of the quantity of provisions and lumber imported into the British West Indies in the years 1825 and 1828, the undersigned has already submitted to the Earl of Aberdeen as deserving of particular attention. It would appear from this, that, of the *corn* and *grain* imported into those islands in 1825, amounting to 383,332 bushels, 237,248 bushels were introduced from the United States, 7,012 from the British colonies in North America, 9,249 from the foreign West Indies, 1,584 from foreign Europe, and the remainder from the United Kingdom, and the islands of Jersey and Guernsey; thus constituting the United States, in the regular course of the trade, the natural and cheapest source of supply. It also appears that in the year 1828, of the aggregate importation, then reduced to 351,832 bushels, 27 bushels only were introduced directly from the United States; but from the foreign West Indies, 126,221; from the British colonies in North America, 45,495; from foreign Europe, 464, and from the United Kingdom, &c, 172,718 bushels.

In 1825 there were imported into the same islands 202,737

barrels of meal and flour; of which the United States supplied directly 161,568, the British colonies in North America 4,232, foreign Europe 400, foreign West Indies 21,090, and the United Kingdom, &c, 15,447 barrels. In 1828 the aggregate importation of the same articles was 206,653 barrels; of which the United States sent directly 940 barrels, and the foreign West Indies 142,092, the British colonies in North America 36,766, foreign Europe 1,135, and the United Kingdom 25,331.

A similar result is more strikingly presented in the article of rice; and it is also shown by the same account, that, of the amount of lumber introduced since the interruption of the direct trade, nearly one half of the most valuable kinds, which previously went directly from the United States, passed through the foreign West Indies; of shingles, considerably more than one half; and of staves, a greater number were imported from the foreign West Indies in 1828 than were introduced directly from the United States in 1825.

It will not escape the attention of the Earl of Aberdeen that the foreign West Indies derive their means of exporting these articles principally, if not exclusively, from the United States; and that, while the importance to the planters of their direct trade with the latter is thus exemplified by these statements, it is also shown that the diversion of it into indirect and circuitous channels does not confer equally substantial advantages upon the British northern colonies.

With this view of the subject,

the undersigned takes leave to ask, why may not these supplies, which must thus necessarily be drawn from the United States, be furnished by means of a direct trade? It must be admitted that the evils of the indirect trade fall upon the planters.\* Among these may be considered the charges of double freight and insurance, the expenses of transhipment, and the commissions and duties in the neutral islands, estimated at 50 per centum on the first cost of lumber, and from 15 to 20 per centum on provisions. So far as this estimate relates to lumber, it is fully warranted by the official account of the comparative prices of that article in Jamaica in the years 1825 and 1828, already submitted to the Earl of Aberdeen; and as it respects provisions, the duty of five shillings per barrel on flour, and in proportion on other articles, as completely sustains it. But to these evils, great as they are, must be added the total loss of the market offered by the United States under a direct trade, the extent and advantages of which have already been shown, and would have continued for an indefinite length of time, if not interrupted by these restrictions.

It is true the cultivation of sugar had been commenced, and is extending in the United States, but under difficulties and impediments arising from the nature of the climate, and the frequent injury of the crops by the variability of the seasons. It has to contend, also, with the superiority, if not the indispensable necessity of foreign sugar for the purpose of the refiner. The demand of

the latter is steadfast and increasing, being commensurate, not merely with the consumption of refined sugar in the United States, but the growing trade in it with all parts of the world. The exportation of refined sugar has also been further encouraged by a recent augmentation of the drawback, placing it on an equal footing with domestic sugar in respect to foreign markets. Under these circumstances, while the direct trade remained open, there would, as has been said, have continued a great and augmenting demand for the West India sugars for an indefinite length of time. The present restrictions, however, menace the planter with its total loss, if, in fact, they have not already insured it. In proportion as they augment the embarrassments and expense of the trade with the British West India islands, they compel the United States to grow their own sugar, and act as bounties to encourage and improve its cultivation; or they induce them to look for their indispensable supplies to other islands, more liberal in their commercial regulations.

In the meantime, the planters, while they lose a market, ample, constant, profitable, and contiguous, find no indemnification in that of the northern possessions, whose consumption is comparatively limited, nor in that of the mother country; for there, in addition to the low prices already adverted to, they must encounter the sugar of the Mauritius, which, being now placed on an equality with their own, has increased the amount of its importation, in the

course of five years, from four thousand six hundred, to a little less, as it is believed, than thirty thousand tons. From this state of things, therefore, serious injury arises to the trade, both of the United States<sup>1</sup> and of the British West India islands. So far as that injury presses upon the latter, it is confidently submitted whether plenary relief can be found, as has been supposed, in the reduction of the duties upon their produce, unless it be in a manner to give them a monopoly in the home market equal to that of which they have been deprived in the United States; or even then, unless the reduction be in proportion, not merely to the loss of the market, but to the increased charges incident to the indirect trade for their necessary supplies.

The supply of sugar is already greater than the demand of the home market; and the amount of reduction of duty could not be a clear gain to the planter, because it would be also attended with a partial fall of the price, and his gain could be in proportion to the latter only. This mode of relief, without a correspondent reduction of the bounty allowed to the refiner, would be prejudicial to the revenue, but, with such reduction, much more injurious to the refiner; and if, as it may be well supposed, one half, at least, of the sugars imported from the West Indies are manufactured for exportation, it is not likely that such mode of relief would, in any event, be beneficial to the planter. It is suggested with great respect and deference, that the more obvious and natural remedy for an evil,

which all must admit, would be to remove the cause. This would be done by cheapening the supplies, and extending the market for the productions of the islands, and by authorizing a direct trade with the United States to a degree commensurate with the interests and necessities of the islands, and on such terms as are now allowed, for similar purposes, to all the rest of the world.

The partial application of a like remedy produced a salutary effect from 1825 to 1826; and, therefore, it may well be presumed that a more thorough experiment on both sides, at present, would be still more beneficial. At that time, undoubtedly, the British northern possessions neither complained nor had cause of complaint; still less can any such cause have arisen since, as their monopoly of the direct trade, instead of relieving, has only aggravated the sufferings of the planters!

It has been stated to the undersigned, however, as the opinion of Great Britain, that, while devising measures for the relief of the West Indies, it is, at the same time, indispensably necessary to consider the claims of the northern possessions to be protected in the enjoyment of certain accidental advantages. Though the undersigned by no means admits the justice of these claims, he would observe, that, if they are to receive protection, it ought, at least to be effected in some way not inconsistent with the meditated relief of the planters. This might be done by granting greater facilities for the introduction of the produce of the northern

possessions into the mother country — a measure which would not merely benefit them, but would insure important advantages to Great Britain, by increasing her revenue, and augmenting and perpetuating the consumption of her manufactures in those possessions.

But the proposition does not go to exclude the productions of the northern colonies, or even to expose them without protection to a competition with those of the United States. It supposes, on the contrary, that, as far as the colonies are capable of producing the articles in demand, a fair preference is already secured to them in the West India market by the scale of duties prescribed by the act of 1825, and fully commensurate, consistently with the interests of the planters, with that object. That scale could only prove insufficient if the capacity to produce did not exist, or should depend for its existence upon an exclusive monopoly ruinous to all other interests.

It is not for the undersigned, therefore, to object to that scale of duties as regulated by the act of 1825, though it must be allowed to give the productions of the northern possessions of Great Britain an equal, or even a better chance in the West India market; but he requires that the United States, as far as they are capable of supplying its wants, may be permitted, in common with the rest of the world, to contribute supplies by a direct trade, and that they may be the carriers of such of their own productions as are indispensable or highly neces-

sary to the planters. That the northern possessions have an interest in the present state of things, the undersigned does not mean to deny, nor particularly to state. It is sufficient for him to repeat what has been already remarked, that the interests which have grown up in that quarter are adventitious in their character, and subordinate to all the great considerations connected with this subject. They may be of some importance in themselves, and yet there may be views of higher moment and grander scope, to some of which allusion has already been made, before which, in every sense, they ought to give way.

It will be difficult to maintain the propriety of the claim by the northern possessions, that they should be secured in the enjoyment of a direct trade with all parts of the world, and that it should be denied to other possessions of Great Britain, to whom it is more necessary.

Of the capacity of the British West Indies to supply with their productions all the demands of the northern colonies, there can be no doubt; yet those colonies, by a direct trade, may introduce similar productions from foreign countries; why, then, may not the British islands be permitted by the same medium to introduce those articles which the northern possessions cannot supply, and for which they are dependent upon others? If the Canadian may import from foreign countries by a direct trade merchandize of which he is not in need for his own subsistence, and which he may procure from other colonies of Great

Britain, why may not the West Indian receive from the United States in the same direct manner that which is indispensably necessary to him, and which none of his Majesty's colonies can supply?

The undersigned does not pretend to state, since he is unable to obtain the information requisite to enable him to state with accuracy, the precise proportion which the productive capacity of the northern possessions bears to the wants of the West India islands. It is the general opinion that the productions of those possessions, especially corn and other bread stuffs, but little exceed the quantity required for their own consumption; and that the amount of those articles, and even of lumber exported by them to the mother country, the West Indies, and to other parts, is derived principally from the United States, and from some ports of Europe. This opinion would seem to be confirmed by the state of the trade between those possessions and the United States, and by the encouragement given heretofore, and at present, by low duties, to the introduction into their ports from the latter, of most, if not all, of the foregoing articles.

The exports from the United States to the British American colonies consist principally of flour, meal, Indian corn, wheat, ship-bread, rice, pot and pearl ashes, butter, and lumber; amounting annually, according to the circumstances of the year, to from two and one half and three and one half millions of dollars, and little inferior in value to the aggregate exports from the United States to the British India islands in an open

trade. The Earl of Aberdeen has already inspected the official tables of the exports of domestic articles from the United States during the year 1827; and, though, for purposes of comparison, similar tables for 1828 would be more precise, it is believed they would not diminish, if they did not add to the weight of those of 1827. From this statement, and a recurrence to the account already explained, to say nothing of the amount of produce passing down the St Lawrence, of which, as has been observed, little, if any, account is taken in the United States, the Earl of Aberdeen will perceive that, after a full experiment of the advantages afforded to the British northern colonies by the present course of trade, they are in fact dependent upon the United States for considerably more than double the amount of their exports to the British West Indies.

By these statements, it appears that, in 1828, the British northern colonies exported to the British West India islands 45,495 bushels of corn and grain, and, as far as the trade in 1827 may be considered indicative of that of 1828, they received from the United States 88,456 bushels of the same articles; that, of flour and meal, they received from the United States 136,770 barrels, and exported to the West Indies only 36,766; and that a like proportion is observable in the articles of ship-bread, and biscuit, and rice. Of lumber, the official tables of the United States are not supposed to afford any satisfactory account; and in respect to pot and pearl ashes, the British

statement is silent ; though it will probably be conceded that the supplies of the latter articles are principally from the United States.

On looking to the large amount of importations from the United States by the British northern colonies, the comparatively small exportation from the latter to the British West Indies cannot escape observation. That these islands require much more than the quantity furnished them by the north, is shown, not only by the table of their direct trade with the United States, but by the amount furnished at present, under all the pressure of the discriminating duties, from the foreign West Indies. It is a matter, in fact, that does not admit of a doubt. That the northern colonies do not, under these circumstances, send more of the produce received by them from the United States, must be either because a great part of it is absorbed by the demands for the home consumption, or that it is necessary for their export trade with other parts of the world. The first cause satisfactorily evinces the incapacity of those possessions, even under their present advantages, to augment, in any considerable degree, their own productions ; the last does not merely evince this, but manifests more strikingly the inexpediency of their claim to a monopoly of the trade with the West Indies, to the exclusion of the United States, upon whose productions they are themselves dependent, not only for their trade with the West Indies, but also for that with the mother country, and with the foreign European parts.

If these facts should be considered as requiring further confirmation, it may be found in the testimony of several of the most intelligent inhabitants of the northern colonies, taken in 1826, before the select committee on emigration, by which it appears that, at that period, and previously, Lower Canada did not supply any flour suited to the West India market ; and that the whole of the exports of the Upper Province, not exceeding 40,000 bbls. were disposed of in the ports of Newfoundland, New Brunswick, and Halifax, and were insufficient for their wants ; that Quebec depended, in a great degree, for provisions upon the supplies furnished by the United States ; and that Canada, at the time, found the utmost difficulty in subsisting her own population. It was further stated in that testimony, that ' there was not sufficient corn grown in Upper Canada to induce any foreign market to deal with them ; and that it would be extremely desirable, for some years to come, to introduce American flour into the Canadas, in order to make up their deficit for the supply of the West Indies : ' that, in fact, their own supply to the West Indian merchant was very inconsiderable, and ' that they formed a very secondary consideration in his estimation. ' One of the persons examined on that occasion, a legislative councillor of Lower Canada, gave it as his opinion, and as one which he thought would be taken for granted, that the provinces of the two Canadas would not be able, from their own produce, to supply a single barrel of

flour to the West Indian market for the next twenty years. Without presuming that any of these opinions are in all respects accurate, but making every allowance for the character of such answers, which, if in any degree erroneous, are likely to err in favor of the Canadas, it may be safely and confidently assumed that the northern possessions do not now, and cannot for a great number of years, however they may be favored and encouraged, produce the requisite supplies for the West Indies. They must rely upon other sources, and principally upon the United States, not merely to furnish the deficiency, but as consumers of the West India produce. To this extent, and for these purposes, the proposition of the undersigned asks for a direct intercourse. The undersigned would here observe, moreover, that the northern colonies offer as little advantage in their demand for the produce of the British West India islands, as in their capacity to furnish supplies. He is aware of the erroneous supposition that the United States, in their direct trade with the British West Indies heretofore, did not take so much of their produce as of specie, to be invested, as it was imagined, in the produce of other islands. So far, however, as it may be thought to argue an unfavorable course of trade between the United States and those islands, he may confidently rely for its refutation, not only upon its obvious improbability, but upon the past, and even the present course of the trade.

It is obvious that the restrictions

by which the trade of the United States with the British West Indies has been so frequently embarrassed, offered peculiar inducements, to the importation of specie; but on this head the undersigned may venture to affirm that the amount of specie has not, at any period of the direct trade, exceeded much more than one fourth of the importation into the United States through those islands.

Without stopping to detect the error of supposing anything unfavorable to the general result of trade from the exchange of specie for produce, which Lord Aberdeen is aware is a natural occurrence, incident to commerce in all parts of the world, it will be sufficient to observe that, as the advantages of the direct trade to the West India planter were never doubted, it may fairly be inferred that the exchanges were mutually made in the most profitable medium. That specie was occasionally received for part of the supplies furnished by the United States, need not be denied; which would prove, only, that, from the general result of their traffic with other parts, the West India planters were enabled to deal more profitably in specie for the produce of the United States — this affording additional illustration of the mutual advantage of their intercourse. But the undersigned takes leave wholly to doubt that specie was so taken for the purpose of being invested in similar articles in the foreign islands.

Unless an occasional instance of the kind has been produced by the pressure of those restrictions which it is now proposed to abolish,

the occurrence of it would argue in the merchant the unaccountable folly of submitting to a prolonged voyage, but reduced freight, and to the other disadvantages of a circuitous trade, in the search after commodities which lay ready at hand, and which he might convey immediately to his market by a direct voyage, and at a better freight.

It will doubtless, however, occur to Lord Aberdeen, that, whatever may have been the course or nature of the exchanges in a direct trade, they were not merely adapted to the necessities of the parties, but are not likely to be improved under the embarrassments of an indirect trade; or that more produce and less specie would pass off through the circuitous than the direct channel.

Though the northern colonies may become the carriers, they do not thereby become the consumers, except to a limited extent, of the West India produce. Their capacity to consume in produce the value of all supplies carried by them to the West Indies, or even of that part going from the United States, will not be asserted; and therefore, it is not perceived how such produce can be received by them, unless from a reliance on the consumption of it in the United States, or other foreign parts. Indeed, in some of the official and other statements furnished by those provinces to the British Government, the advantages of a free transit of American flour through the northern possessions are argued from the expectation that those districts in

the United States which furnish the flour will receive from the Canadians foreign produce in barter. Not to advert to the complete annihilation of such expectation by an interdict of the supply through such a channel, it must be obvious that the United States will not like more produce or less specie under the embarrassments of an indirect intercourse. It is, on the contrary, reasonable to infer that, in such case, for the more bulky articles of West India produce, they would be led to rely, in a still greater degree, upon foreign islands, with augmented facilities; and that they would require specie in return for that portion of their supplies passing through the northern colonies; thereby increasing rather than diminishing the drain of that article, so far as it may be supposed to be affected by those regulations.

The undersigned would beg leave further to observe, that a refusal of the proposition which he has had the honor to make can have no other obvious pretence than, by means of a monopoly, to give a forced growth to the productions of the northern possessions, and, in the meantime, to compel the carrying of the produce of the United States and that of the British West Indies through their ports!

The very necessity of a monopoly to effect such a purpose, however, clearly points out the difficulties of production, and the embarrassments of such a course of trade, and shows the losses and distresses to which the planter



must be subjected for an indefinite length of time.

It is by no means certain, however, that these objects are consistent with each other, and that the abundant supply of the productions of the United States through the northern ports would not as effectually discourage the productions of those possessions as the direct trade, and in this way perpetuate the monopoly. Such a result is shown to be more than probable by the foregoing observations, and by the official statements to which they apply. But it is perfectly certain that, if this monopoly should have the intended effect of fostering the growth in Canada of the articles required for the West India market, it would also have the effect of impelling the United States to the cultivation within themselves of the articles for which they have been accustomed to depend upon the West Indies, and consequently of diminishing their demand for those articles. The ability of the north to supply the planter, therefore, would be attended with the loss to the latter of the means of purchasing the supply.

The reasonable duty proposed by the act of 1825, even without the aid of the additional privileges to which the undersigned has heretofore presumed to allude, by gradually and reciprocally developing the resources and the means of consumption of the northern possessions, by providing a necessary revenue for the planters, and in the interim affording them an advantageous market, would be much more effectual in attaining all rational and desirable ends.

From an impartial view of all the considerations involved in the subject, may not such a course be deemed worthy at least of an experiment? Whether we regard the general deductions of argument, or the series of indisputable facts arising out of the course of trade before and since the order in Council of 1826, it can scarcely be denied that the present state of things has, thus far, produced greater injury to the British West Indies than benefit to the British northern possessions; and that the regulations of the act of 1825 would be extremely beneficial to the planters, if indeed not absolutely remedial of their great distress, will not be questioned. From a recurrence to those regulations, therefore, much positive good is certain to arise; whereas the injury apprehended to others exists only in conjecture, can be ascertained only by experience, and may always be remedied by the protecting measures of Great Britain. It would appear, therefore, to the undersigned, not merely courteous to the United States, but just to the various possessions of Great Britain, to recur to the expedient of trying, under the favorable legislation of both countries, the real utility of the adjustment of 1825.

If the encouragement of the northern productions be not sufficient in its results to justify the permanent exclusion of those of the United States from the British West India islands, it is equally unreasonable to insist that the latter and the produce of the islands shall be carried circuitously through the northern ports, at a

loss to the producer. The present demand, in addition to the indemnities actually enjoyed by the northern ports, strips the West India planter of every advantage intended for him by the act of 1825, taking from him not merely the general benefits of a direct trade, but at the same time depriving him of the revenue provided for the support of the local government. That the productions sent through the Canadas are not cheaper in the West Indies than those going through other ports, is shown by the fact, already made apparent, that a very important part of their supply is carried in the latter way, and especially through the Danish islands; but, as no duty is collected on that coming from the British possessions, the planter, on his paying the same price as for that charged with a duty, must, in addition, make up, by some other means, the loss to his revenue.

It is at such sacrifices of public considerations, and of important interests of Great Britain herself, that the present claim is made, of forcing the trade of the United States with the British West India islands through the British northern possessions.

The undersigned might here ask the question, whether advantages like these now claimed, uncertain and contingent as they must necessarily be, deserved to be cherished at the risk which must eventually attend them? Are they of sufficient magnitude to justify the encouragement of a spirit of jealousy between two neighboring nations, whose prosperity, it is admitted, would be

best promoted by mutual goodwill, or the sowing in the population of these northern possessions the seeds of commercial hostility, which may produce roots of bitterness, difficult to be eradicated.

The undersigned, however, hopes to be excused for asking Lord Aberdeen to consider whether this claim be not as difficult of attainment in fact, as it is of justification in reason?

That the United States may be prevented from enjoying a direct trade with the British West India islands, is not to be questioned; but it does not follow that they can be compelled to carry on the indirect trade through the British northern possessions in preference to the other ports, and in opposition to the interest and inclinations of the American people. To insure a continuance of such a constrained state of things would require a far greater degree of favor than Great Britain gives to those possessions at present, or could give at any time without effecting the ruin of her West India planters.

The present course of trade through those colonies, in fact, owes its existence, in a great measure, to the toleration and forbearance of the United States. They have submitted to it for the moment, in the expectation that the regulations of the order of 1826 were merely temporary, and would yield, in due time, to a liberal regard to the general interests of commerce. But when Great Britain shall avow the intention permanently to exclude the United States from the direct trade with her West India islands.

and to compel the interchange of their products to pass through her northern possessions, for the purpose of creating or sustaining rival interests in that quarter, it will then be for the United States to decide whether their indirect trade may not be more profitably conducted through other channels.

So entirely dependent are the northern possessions upon the will of the United States for the advantages which they now enjoy, that a simple repeal of the restrictions alluded to in the proposition which the undersigned had the honor to submit, if the United States could be supposed so entirely unmindful of their navigation interests and enterprise as to make it, without any act on the part of Great Britain, would effectually destroy their monopoly. And moreover, if it should be deemed necessary or proper to aim measures at these provinces alone, the permission of a direct trade from the ports of the United States to the British islands, in British vessels, other than those owned in the northern ports, would not only break up the existing trade in that direction, but would for ever blight even the imaginary prospects of future production.

The advantages to the United States, however, of employing their own navigation in a part, at least, of the trade—of enlarging and conciliating their interests in the colonies of France, Spain, Sweden, and Denmark, and, by reciprocal accommodations, of gradually increasing the market in those parts, both for demand and supply, would powerfully, if

not irresistibly, tempt their trade into those channels. Indeed the official returns heretofore explained sufficiently show that it has, in fact, been already invited thither, in a considerable degree, by advantages which it would not be difficult to augment, until the commodities could be introduced as cheap as those of Great Britain, unless the latter should be protected by a higher scale of duties than was contemplated by the act of 1825, and one beyond the ability of the planters to endure.

The Earl of Aberdeen will do the undersigned the justice to believe that, in discussing the contingent policy of the two countries in the arrangement of their commercial enterprise, he holds forth no apprehended event with a view to intimidate, or through a desire that it may take place. He will also perceive that the measures last alluded to would not necessarily imply, on the part of the United States, either resentment or retaliation; but would be resorted to as the system of commercial regulation calculated, under the circumstances of the case, to give the best direction to an important branch of their enterprise.

To such extent they would be altogether practicable, and might be supposed indispensably necessary. They might, indeed, from the natural tendency of such measures, and the peculiar influence of events, end in the total loss of the trade between the United States and the British northern possessions.

In such a view of the subject, though the undersigned will not here undertake to pronounce upon

the value of the trade in question, he would suggest that it may be worthy the consideration of those who claim the advantages of monopoly rather than of fair competition, whether the loss of it, with the chance of contesting with the foreign islands for the trade with the West Indies, be preferable to a reasonable enjoyment of both?

That the United States possess the means of effectually controlling their trade through and with the British northern colonies, the undersigned is fully confident.

He is aware, however, that a contrary idea has been entertained by some, who may have regarded the subject in a narrow or interested point of view.

In adverting to this topic, the undersigned will not permit himself to suppose that the possibility of evading the revenue laws of the United States, and of producing a course of contraband trade, in violation of their legitimate regulations, can for a moment enter into the calculations of this Government, or receive the remotest degree of encouragement or countenance from its measures and policy.

If no other motive opposed the adoption of such an alternative, Great Britain would find a sufficient one in the certainty that, however for the moment, it might minister to the jealousy, or appear to favor the interests, of her subjects in the colonies, it would eventually produce the most baneful effects upon their morals and their habits. Thus corrupted, the skill and hardihood acquired in evading and transgressing the laws

of a neighboring country, would afterwards be practised against those of their own Government.

But in addition to the general disfavor with which any expectation of benefit from a contraband trade should be met, Lord Aberdeen may be assured that it would not be difficult for the United States to prevent such a trade altogether. A more efficient cordon of police and a greater degree of vigilance might be requisite than in ordinary times; but the fidelity of the American custom-house officers has been thoroughly proved, and their exertions, even upon this frontier, have in general been adequate to all substantial purposes. Such was the case even when they were called upon to enforce the embargo and non-intercourse laws, when they received but little sympathy or encouragement from the moral sense of the community. The fact is, however, too clear to require argument, that the amount of trade to be carried on by smuggling, however successful, would be inconsiderable in comparison with the extent and profits of a legal and regular intercourse, and therefore is entitled to but little weight, even when regarded with a view to pecuniary results. Lord Aberdeen will not require to be reminded, that, to prevent illicit trade, it is chiefly necessary to remove the temptation of high prices, or to create a risk greater than the reward to be gained by successful fraud. Nothing could be more easy than this, in respect to the mode of intercourse now under consideration.

The interposition of the custom-

house officer would scarcely be requisite to prevent the introduction of West India produce into the United States through the northern colonies. Arrangements could readily be made with the powers to which the foreign islands belong, to furnish the requisite supplies of West India produce from those islands, on cheap terms, and in steady and abundant quantities. These arrangements would of themselves forbid competition. But while American flour can be carried to the British West Indies as cheap from the United States through the foreign islands as through the northern possessions, though subject to the discriminating duty, in favor of the latter, of five shillings per barrel, it will not be supposed that the bulky articles of sugar, rum, and molasses, without such aid, can be tempted through the northern possessions by the risk of protection from the penalties of the law!

The undersigned does not believe that the temptations and facilities for the introduction into the northern colonies of flour and other articles, from the United States, are materially greater.

So far as the trade with the British West Indies can operate as an inducement, it has been seen already that American produce is carried thither as cheap through the foreign islands as the northern ports. The supply of American flour in the northern colonies is believed to be principally furnished by the Genesee country and the country bordering upon lake Erie; and it stands admitted in the evidence upon the archives of the House

of Commons, that, for flour, the market for New York is generally better than the market at Montreal and Quebec. Indeed so important is the operation of these facts, that the most intelligent merchants suppose that so much of the American trade with the British West Indies as passes through the northern colonies, instead of the foreign islands, is chiefly diverted thither by the greater facilities of procuring in those ports an assorted cargo suitable to the West India market.

In the testimony afforded by the inhabitants of Lower Canada to the committee of the House of Commons in 1826, it was asserted, and remained uncontradicted, that, 'against the superintendence of the British custom-house officers, it would be impossible to smuggle any part of a cargo, or even a barrel of flour, into the province of Lower Canada.' On this ground they were enabled to encourage the introduction of American flour in proportion to the amount of their exports to the West Indies and other places, without danger of its being brought into the home consumption. And the encouragement then given shows the importance attached by His Majesty's Government to that evidence. On this supposition, Lord Aberdeen will readily acknowledge the facility with which the United States, through means of a custom-house police, strengthened and extended according to their means, may accomplish the same ends; more especially as the readier interdiction of the return trade from Can-

ada into the United States, by diminishing the means of payment, would also diminish the motives to incur the risk and penalties incident to a prohibited trade. The undersigned is apprehensive that he has already dwelt longer upon these considerations than is necessary after so much personal explanation as he has heretofore had the honor of yielding, and will content himself, as to any further arguments that might be offered, with referring to the various other suggestions which have been made by him in the course of this negotiation. He cannot, however, entirely dismiss the subject without repeating, for the last time, his deep solicitude for the result and without most earnestly recalling the attention of His Majesty's Ministers to the state which the relations between the two countries would be left should this point be unfavorably decided. In such case, the Government of the United States, while disappointed in its cherished hopes of an arrangement by mutual and reasonable concessions, would find nothing conciliating in the retrospect of a long course of fruitless negotiation, and nothing cheering in the future prospect, darkened, as it would be, by the possibility of a recurrence, by the two nations, to that system of countervailing measures that has already proved so detrimental to their harmony and welfare.

The undersigned takes this occasion to renew to Lord Aberdeen the assurance of his highest respect and consideration.

• **LOUIS McLANE.**

*To the Right Hon. the Earl of Aberdeen, &c, &c, &c.*

*Extract of a letter from Mr McLane to Mr Van Buren, dated London, 6th April, 1830.*

SIR: I have had a conference with Lord Aberdeen today, which I sought for the purpose of urging the definitive answer to my proposition relative to the colonial trade. In my previous conference, he gave me some reason to expect that it would be given in time for this packet, but I regret to say that this expectation has not been realized. He assures me that the delay has been wholly unavoidable, and that it proceeds from no indisposition to obviate the difficulties, if that be practicable, which lie in the way of a satisfactory adjustment of the question.

I have not failed to represent to him the very serious injury and embarrassment which must result from delaying the answer until the Congress shall rise, and of what I fear may be the insuperable difficulties of any prospective legislation with a view to a future arrangement. None of these efforts have yet proved sufficient to bring the answer.

Under these circumstances, unless Congress shall continue in session until the arrival of the packet of the 16th instant, which I hope they will do, it will not be possible to get the decision in time to be submitted to that body. Deeply as I lament this state of things, I need scarcely say that it has not been possible for me, by any exertion, to avoid it.

In this stage of the business, it may be proper for me to remark that the negotiation must end in one of three modes: in a positive refusal to change the present reg-

ulations, or a revocation of the order in Council of 1826, upon the terms of my proposition, or in a revocation of that order, with some increase of the duties imposed by the act of Parliament of 1825, in favor of the productions of the northern possessions.

Looking as well to the progress of the negotiation as to the obstinate and persevering opposition, by the interests in those northern possessions, to any change whatever, and to the influence which it is obvious they exercise here, I confess that the last mode appears to me the most probable. I do not believe that any legislation by Congress, with a view to that state of things, and vesting in the President a discretion to regulate the trade or rescind our laws in either of these contingencies, would in any manner prove prejudicial.

*Extracts of a letter from Mr. Burr.*

1830. }  
 you will receive  
 confidential mes-  
 sages which was sent by the Presi-  
 dent to the two houses of Con-  
 gress, during its late session, in  
 pursuance of your suggestion, that  
 the measure recommended by it  
 might be made useful in your  
 negotiations with the British Gov-  
 ernment, together with a copy of  
 the law which was the result of  
 that message. \* \* \*

It is confidently hoped that the law referred to, with the motives in which it originated, and which secured it a rapid passage through the two houses of Congress, with-

out material opposition from any quarter whatever, added to the frank and liberal offer and explanations already made to the British Government on the part of the Executive Department of this, will, of themselves, be regarded by that Government as affording sufficient ground for its changing the position which it occupied in regard to the subject of its colonial trade, in all its bearings, so far as it affected the United States, at the period of the accession to power of the present ministry, and for the adoption of a course of policy which may lead to the speedy and mutually advantageous revival of trade between the United States and the West India possessions of Great Britain, if, indeed, that important concern should not have been already satisfactorily adjusted. It ought to be decided, likewise, as a direct step on the part of the Government, of the highest character, as emanating from its executive and legislative authorities combined, and as a solemn public movement on our part towards a friendly accommodation with the British Government, upon terms of a fair and just reciprocity.

You will have been made acquainted, in the instructions which have been heretofore given to you, with the opinion of the President as to the course which would most probably be pursued by the United States if Great Britain should think proper to insist, as a preliminary measure, upon the unconditional repeal of our laws, or should be so selfish as to desire to engross for its navigation the

whole of the carrying trade between this country and its West India colonial possessions. But that your negotiation may continue to be characterized by that spirit of frankness which it has hitherto been a leading object on our part to infuse into it, I am directed explicitly to state, upon this occasion, that the President will consider it his duty, in case that negotiation should eventuate unfavorably upon this point, to recommend to Congress an extension of the interdict now existing as to the West India possessions of Great Britain to those which she holds in the northern parts of this continent, and the adoption of proper measures for enforcing its rigid observance, as a course which would, in his judgment, best comport, in such an event, with the interests of the United States, and correspond with the respect which is due to the character and past conduct of this Government. It is not for him, however, to anticipate with certainty the effect of such suggestions upon the national councils of the Union, though it is not to be supposed that, in such a case, anything will be omitted on their part to vindicate the honor and maintain the interests of this Government.

*Mr McLane to the Earl of Aberdeen.*

9, Chandos St., Portland Place, }  
July 12th, 1830. }

*The Right Hon. the Earl of Aberdeen, &c, &c, &c.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States,

has had the honor already, in a personal conference, to explain to the Earl of Aberdeen, his Majesty's principal Secretary of State for Foreign Affairs, certain measures adopted by the Congress of the United States, during their late session, which have an immediate and important bearing on the relations of the two countries, and upon the proposition heretofore submitted by the undersigned, respecting the West India trade. Having received from the Earl of Aberdeen an intimation of the propriety of communicating those measures in a more formal manner, the undersigned has the honor herewith to transmit such information on the subject as he is now in possession of.

The first of the measures alluded to is an act of the Congress of the United States, authorizing the President, in the recess of Congress, to annul all the restrictive and discriminating measures of the United States, and to open the ports to British vessels trading with the British West Indies in the manner particularly pointed out in the act; a copy of which, for the better explanation of the case, the undersigned begs leave to subjoin.

The undersigned has the honor also to inform Lord Aberdeen, that, during the late session of the Congress of the United States, several other laws were passed, by which, in lieu of the duties imposed upon certain articles of the produce of the West India islands, and of the possessions of Great Britain, by previous regulations, the following duties only are to be collected; that is to say: Upon molasses, a duty of



five cents, instead of ten cents, per gallon, allowing at the same time a drawback of the duty upon all rum which may be manufactured from that article, and exported from the United States ;

On salt, a duty of ten instead of twenty cents per bushel ;

On cocoa, a duty of one cent per pound on all imported after the 31st of December, 1830, or remaining at that time in the custom-house stores under the bond of the importer ;

And on coffee, a duty of two, instead of five, cents per pound, from and after the thirtyfirst of December, 1830 ; and of one cent per pound from and after the thirtyfirst day of December, 1831 ; and the same duties to be taken on coffee remaining at the respective times under bond in the custom-house stores.

The undersigned will not permit himself to doubt, that, in the first of these acts, emanating from the frank and friendly spirit which the President has uniformly professed, and passed with an avowed reference to the pending negotiation, the Earl of Aberdeen will see new and irresistible motives for concurring in the promotion of the end to which this measure directly leads.

Such a measure could not have been recommended by the President without incurring a deep responsibility towards his own country, and feeling a confident reliance upon the justice and magnanimity of this.

It is a voluntary and leading step in the conciliating policy of the two nations, taken in disdain of the restraints of form, and

which, if met in a corresponding spirit, cannot fail to produce that friendly intercourse and real harmony so ardently desired by those who consult the true interests and glory of both countries. It concedes in its terms all the power in the regulation of the colonial trade, and authorizes the President to confer on British vessels all those privileges, as well in the circuitous as the direct voyage, which Great Britain has at any time demanded or desired. It has done this in the only manner in which it was possible for Congress, at the present moment, and under existing circumstances, to act, without a total abandonment of even those advantages conceded by the present regulations of Great Britain, and without raising up new interests to oppose or obstruct the favorable disposition expressed by this Government. Nor will the undersigned conceal his hope and belief that this act will stamp the negotiation with a new and more favorable character ; and that the United States having thus taken the first step, and particularly defined the terms of their legislation, the mode of adjustment may be, disencumbered of even those objections with which it was supposed to be embarrassed when submitted to Lord Dudley, and by the answer which on that occasion was given to Mr Gallatin. The objections suggested at that period on the part of Great Britain had no special or exclusive reference to the measure in question, but to the giving of any prospective pledge by which she might commit herself to the adoption of any specific

line of conduct contingent on events which could not be foreseen, and to the entering into any informal agreement as to mutual acts of legislation while it was impossible to anticipate the details with which those acts might be accompanied, or the position and circumstances in which the two countries, and the commercial commonwealth generally, might be placed at the time when the laws enacted should come into effect. If these objections could at any time have been essential to the subject, which the undersigned by no means admits, they certainly are not so at present.

The act of Congress has been passed without any pledge, prospective or otherwise; it therefore relieves the adjustment of this subject from that part of the difficulty. The details of the colonial legislation on the part of the United States are precisely defined and fully explained by the law. Frankly announcing all this, it leaves to Great Britain herself the selection of the mode and time in which, according to her conception of her own interests, she may restore the direct trade between the United States and the West Indies. She is enabled deliberately to do this with a full knowledge of the before-mentioned details, and of the precise position and circumstances, as well of the two nations as of the commercial commonwealth in general, at the time when the measures are to come into effect. This she may do without any risk as to the future, and with the certainty that, while doing an act of justice to a friendly power, and

relieving it from an invidious exclusion from advantages allowed to all other nations, she is contributing materially to the prosperity of her possessions in the West Indies.

The undersigned will not dismiss this subject without expressing the hope and persuasion that, in the other measures of Congress alluded to, the Earl of Aberdeen will find not merely all the considerations heretofore urged for giving new facilities to the trade between the United States and the British West Indies materially strengthened, if not absolutely confirmed, but that a further and more favorable alteration is thereby made in the object and character of the negotiation.

These measures manifest at least a laudable desire to loose the shackles of trade and commerce, which, if England is so disposed, she cannot better encourage than by a relaxation of her own restraints upon the particular branch of trade under discussion.

The Earl of Aberdeen has been already informed that the consumption of foreign molasses in the United States is not less than thirteen millions of gallons, even under the discouragement of the high rate of duty and a denial of the drawback, which nearly proved fatal to the chief source of consumption—the distilleries of New England. It is obvious, however, that the reduction of the duty to its present low rate, and the allowance of the drawback, must swell the demand for this article even beyond the ordinary amount, which, in the regular

course of a direct trade, would seek its principal supply in the British West Indies.

Of coffee, not less than thirty-seven millions of pounds were annually imported into the United States; and of those in a regular trade, not less than eight millions from the British West Indies.

Of four hundred thousand pounds of cocoa annually imported into the United States, little less than one fourth was brought from the British West Indies.

The Earl of Aberdeen will readily perceive that the reduction of duty on the se articles, and especially on coffee, to a rate which will soon be little more than nominal, cannot fail to at least double the importation.

These remarks apply with even additional force to the article of salt, the consumption of which is more dependent on the rate of duty than that of any other necessary of life.

The enormous quantity of this article requisite to supply the wants of twelve millions of people is too obvious to need any conjectural assertion; but it is worthy of observation that, notwithstanding the extent of the home supply encouraged by the high duty of twenty cents per bushel, the annual importation of that article from abroad seldom amounted to less than five millions of bushels. Of this amount more than three millions came from Great Britain and her possessions, her West India islands furnishing, at least one million.

To what extent this amount may be enlarged by the increased consumption arising from the low

rate of duty and the advantages of an easy trade, the Earl of Aberdeen may readily conjecture.

It should be remarked, also, that, while the consumption of this article is thus augmented, the diminution of the duty must proportionably diminish the price of salted provisions. So far as these, therefore, form part of the supplies to the West Indies, the subsistence of the islands will be cheapened, while the demand for their produce is increased.

It should not escape the attention of the Earl of Aberdeen that the provisions of these acts of the Congress, so far as they relate to cocoa, coffee, and salt, confer encouragement on the trade of the West Indies with the United States, which did not exist, and could not have been contemplated at the period of passing the act of Parliament of 1825. They therefore superadd new and important motives for restoring the trade then offered, and for restoring it upon terms not less favorable.

While the participation of the British islands is invited in the advantages to be derived from this enlarged and increasing demand of the United States for the produce of the West Indies, the undersigned takes leave to suggest the expediency of securing that participation before the trade may be exclusively diverted into other channels by the superior advantages of a direct intercourse with other islands.

In closing this communication to the Earl of Aberdeen, the undersigned will take the occasion to repeat his deep interest in the subject, and a renewed hope of

an early and favorable issue. The Earl of Aberdeen will not fail to appreciate the spirit and motive by which the President was actuated in recommending, and the Congress in passing, the act to which allusion was first made. The effects of delay upon the commercial enterprise of the United States, and the disappointment of interests desirous of a different measure of legislation, though they offered great embarrassments, were not the greatest difficulties attendant upon that act. To give to Great Britain the fullest time to consult her own interest and convenience; to make a further and a signal effort to place the commercial relations of the two countries upon a footing of sure and lasting harmony; and to guard, in a manner consistently with duty, against delay during the recess of Congress, could only be done by a measure calculated also to awaken at once the spirit of commercial speculation, and to create new expectations of favorable dispositions on the part of this Government.

If, as the undersigned will continue to hope, the British Government should find it their interest to realize these expectations, their measures will derive additional grace from the frankness and promptitude with which they may be adopted; and if, unfortunately, these hopes are destined to experience a disappointment, it is not less the duty of his Majesty's Government to quiet the public expectations thus excited, and to mitigate, as far as may be in its power, the injurious effects thereof, by giving an early reply to the

application which, in behalf of his Government, the undersigned has had the honor to submit.

The undersigned avails himself of this occasion to renew to Lord Aberdeen the assurances of his highest consideration.

LOUIS McLANE.

*Mr McLane to Mr Van Buren.*

London, August 20, 1830.

SIR: I have the satisfaction to forward herewith a letter from the Earl of Aberdeen, dated the 17th instant, by which it will be perceived that my negotiation for the colonial trade is successfully closed; and that this Government consents to restore to us the direct intercourse with her American colonies, upon the terms of the proposition submitted by me on the 12th of December last.

It will be perceived, also, that, from an apprehension that the late act of Congress might admit of an interpretation incompatible with the terms of my proposition, and the act of Parliament of the 5th July, 1825, the British Government have accompanied their consent with an explanation of the construction which, in their opinion, the law ought to receive, and to which their proceedings will be conformed. This is precautionary, however, and intended to guard against misapprehension in future. The proclamation of the President which is authorized upon evidence satisfactory to himself, will be immediately followed, upon the part of Great Britain, by the revocation of the order in Council of July, 1827, the abolition of the discriminating duties on American

vessels in British colonial ports, and by extending to the vessels of the United States the advantages of the act of Parliament of the 5th July, 1825.

If it had been admitted that the late act of Congress varied intentionally from the terms of our proposition, and the British act of the 5th July, 1825, and demanded advantages not contemplated by the latter, it would have been considered as reviving pretensions already given up, and must have had the effect of entirely defeating any hope of recovering the colonial trade. Recurring to your letter of the 18th June last, communicating the President's message to Congress, and a copy of the law, I did not doubt that the act was, in fact, intended to authorize the President to give effect, in the recess of Congress, to the known and uniform object of the negotiation, and to accept a renewal of the trade upon the terms of the proposition which I had been authorized to make. I felt it my duty, therefore, to concur in the suggestion, that the supposed deviations in the law from the act of the 5th July, 1825, were apparent merely, and neither intentional, nor for the purpose of advancing any new claim upon the part of our Government.

My instructions authorized me to propose that the United States should now comply with the conditions of the act of 5th July, 1825 by repealing our restrictive laws, 'if such a measure would lead to the revocation of the order in Council of July, 1827, to the abolition or suspension of all discriminating duties on American

vessels in the British colonial ports, and to the enjoyment by us of the advantages of the last mentioned act of Parliament.'

These instructions were literally pursued in the proposition which I submitted in December last, and, together with it, were communicated to Congress. But it will be apparent to you that, if the law necessarily authorize a different construction than that adopted by this Government, it will not be a compliance with the conditions of the act of Parliament, but demand advantages which, by that act, are expressly denied, and by this Government, allowed to no other country.

The navigation act of Great Britain, by which all her previous acts upon that subject are repealed, and her system permanently established, passed simultaneously with the act of the 5th July, 1825, regulating the trade of the British possessions abroad; and by that act the importation, both into her European and colonial ports, is restricted to the vessels of the country of which the articles imported shall be the produce. Nor has this restriction been considered inconsistent with our commercial convention with Great Britain, which we have anxiously sought to extend to the colonial intercourse. The before-mentioned act of the 5th July, 1825, regulating the trade with the British possessions abroad, refers, in express terms, to the act concerning navigation, and limits the right of importation into the British colonial ports to American produce, and to vessels coming directly from the ports of the United States. By

acceding to the terms of our proposition, therefore, Great Britain extends to our vessels all the advantages of the act of 5th July, 1825. She moreover places the United States, in the intercourse with the colonies, on the same footing with all other nations; and by assenting to regulations, though by legislative enactment, in the colonial trade, similar to those provided by our commercial convention for the intercourse between the United States and the British possessions in Europe, she now concedes to us, in this respect, substantially that which we have been ineffectually seeking since the year 1815.

I am not aware that the restriction of the right of importation into the colonies to articles of American produce, was at any period seriously objected to by our Government. Nor can the difference, in this respect, between American and British vessels, if we allow it to continue, be an object of much importance in any point of view. It will generally be our interest, as it is that of every other nation, to allow the exportation of its surplus foreign produce in the vessels of any other country. It must be observed, also, that this is a privilege resulting from the general spirit of our laws, and therefore resting in our discretion. There is nothing in the arrangement now proposed to prevent the United States from hereafter denying to British vessels this advantage, if it prove injurious to their commerce, and in placing by that means the vessels of both countries, in this respect, upon an equal

footing. I ought to observe, however, that sound policy would not warrant such a measure at any time.

Independently of these considerations, it is certain that both the restrictions now reserved by the construction adopted by this Government were absolutely conceded by ours before the present negotiation commenced, and could not have been renewed at present with any hope of success. More than has been secured by the present labors, the concessions of the last administration precluded us from demanding. But if this had not been so, more could not have been obtained.

In the letter of Mr Gallatin to Mr Clay of the 27th October, 1826, the meaning of the British act of Parliament of 5th July, 1825, which does not appear to have been previously understood by our Government, is fully and intelligibly explained. To ascertain the precise state of the regulations at that period, and the extent of the conditions and restrictions prescribed by the famous act of July, 1825, Mr Gallatin reviewed all the British statutes upon this subject, and superadded the following observations.

From what precedes, it follows, first, that the restriction which limits the importations in foreign vessels of goods into the British West Indies and American colonies, *to vessels of the country of which the goods are the produce, and coming direct from such country*, having been revived by the navigation act of the 5th July, 1825, is still in force; secondly, that the restriction which limited

the exportations in foreign vessels of goods exported from the British West Indies and American colonies, to a direct exportation to the country to which such vessel did belong, is so far repealed as that such exportations in such vessels may be made to any country whatever, Great Britain and its dependencies excepted.'

'Although there is no prospect that any arrangement will shortly take place on that subject, yet it is desirable to be prepared for any contingency. And I wish that the President would take into consideration whether, supposing an arrangement, either by convention or by mutual modification on both sides of existing laws or regulations, to be practicable, it would be proper, so far as relates to navigation, *to agree to the terms contained in the acts of Parliament.*'

'The most important of the restrictions on the direct or circuitous trade, that which limited the exportation from the British West Indies in American vessels to the United States, has been repealed; and there remain but two—such exportations cannot be made in American vessels to Great Britain or her dependencies, a point on which we cannot insist, and which is already given up by the instructions; *and the importations into those colonies of American produce, must, if made in American vessels, be direct from the United States.* Is it necessary, on that account, to insist on the right of preventing British vessels, other than those coming direct from the colonies, from clearing from the United States

for those colonies? Or, in other words, (for it is clear that with such restriction no arrangement is practicable,) is it worth while, on that account, to continue to cut off altogether the intercourse between the United States and the British colonies? On that question I beg leave to submit two observations. First, the right of importing produce of the United States into British West Indies from other places than the United States, is in itself of no great value. It might occasionally be convenient when the market of Cuba or of other ports in the Gulf of Mexico was glutted with American produce, to have a right to take it in American vessels to the British West India ports; but it is but rarely that these will not, from the same causes, be also glutted at the same time, and that the expense of a double voyage and freight could be incurred. Secondly, while contending for a nominal reciprocity, we must acknowledge that the other party must consider how far this reciprocity will be real. It is now ascertained that four fifths of the tonnage employed in our intercourse with Great Britain herself are American, and only one fifth British. Considering the species of population, the climate, and commercial capital of the West Indies, and the distance of Great Britain, it is utterly impossible that the direct intercourse between the United States and the British West Indies should not, with equal duties and charges, be carried on in a still greater proportion in vessels of the United States.

The only compensation, in that respect, to Great Britain, is to be found in the circuitous voyages which British vessels may make from that country through the United States and her West India colonies; and I feel quite confident—I think any man acquainted with the subject will be of the same opinion—that even granting them that privilege, will leave more than three fourths of the intercourse to our vessels ! \*

‘It will not escape you that the intercourse by sea between the United States and the British West Indies and North American colonies, has already been considered as necessarily connected together by the British Government, and that this connexion has been kept up in the acts of Parliament, in the articles proposed to Mr Rush, and indeed in all former proposals on their part.’

In consequence, as it may be supposed, of this explanation and advice from Mr Gallatin, our Government thenceforward abandoned whatever pretensions they may have previously set up beyond the acts of Parliament. In a letter from Mr Clay, dated the 11th April, 1827, containing further instructions to Mr Gallatin, he was informed ‘that the President is willing to recommend to Congress, at its next session, first, to suspend the alien duties on British vessels and cargoes, and allow their entry into our ports with the same kind of British or British colonial produce as may be imported in American vessels, the vessels of both countries paying the same charges; and,

secondly, to abolish the restriction in the act of 1823 to the direct intercourse between the United States and the British colonies, leaving Great Britain in the exclusive possession of the circuitous trade between Great Britain proper, through her colonies, and the United States. Mr Gallatin will inquire whether the passage of an act of Congress to that effect would lead to the revocation of the British order in Council of July, 1827, to the abolition of the discriminating duties on American vessels in the British colonial ports, and to the enjoyment by our vessels of the advantages offered by the act of the 5th July, 1825.’

These propositions were communicated by Mr Gallatin to the British Government, in a note to Lord Dudley, of the 17th August, 1827; in which he remarks that ‘this mode would repeal all former acts of the American Government which had been objected to by Great Britain, fulfil the condition in the act of Parliament as now understood, and remove every obstacle in the way to an arrangement; but that it would be useless for the President to make such recommendation without first ascertaining the intentions of the British Government,’ and he therefore inquired ‘whether, upon the passage of such an act as the President purposes to recommend, the British Government would allow to American vessels the privileges of trade and intercourse according to the act of the 5th July, 1825?’ With these communications, it will be seen that my instructions, and the overture



by me submitted on the 12th December last, and now assented to by Great Britain, are entirely coincident.

I have been thus minute that the precise and uniform object of our negotiation with this Government should not be mistaken; and that the President, clearly and explicitly understanding these, may feel no hesitation, when executing the law, to interpret each particular clause in conformity with the obvious scope and design of the act.

Less difficulty, if possible, than on these points, can exist in regard to the entry of British vessels and their cargoes in the ports of the United States, from the islands, provinces, or colonies, designated in the second section of the act. According to Mr Gallatin's despatch, 'the intercourse by sea between the United States and the British West Indies and North American colonies, has already been considered as necessarily connected together by the British Government, and that this connexion has been kept up in all the acts of Parliament.' It will not, therefore, be now separated. The general terms employed in this section are sufficiently comprehensive to embrace any description of entry; and in his instructions to the several collectors, the President may properly direct an entry similar to that specified in the first section of the bill, and in the spirit of our proposition.

Such, I presume, was the purpose of the law. I have, however, suggested to this Government, in answer to the difficulty felt upon this point, the possibility that these

general terms may have proceeded from an apprehension of the existing discriminating duty of one dollar per ton on American vessels in these northern colonial ports. Should such be the case, it will not escape you that this duty is prescribed by the order of the King in Council in 1823, in retaliation of our law of that year; and that, by the terms of my proposition, it will be now abolished.

If the remaining words of apparent difficulty constitute a provision inconsistent with our proposition and the act of 5th July, 1825, I am obliged to confess myself incapable of comprehending either their object or meaning. I refer, of course, to the following clause: '*leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is.*'

Such a provision, or anything resembling it, is now introduced for the first time into our legislation upon this subject. With all other parts of the British dominions, our commercial intercourse is regulated either by the convention with Great Britain, or, with the exception of the ports in the northern provinces, absolutely prohibited by acts of Parliament. No legislation on either side can effect the stipulations of the convention, and any relaxation of existing prohibitions must be beneficial.

This clause, as it stands, if it be not altogether nugatory and out of place, would seem rather to apprehend some evil, not un-

derstood or explained, from advantages to be conferred on our trade by Great Britain. In any view of the subject, however, it can properly relate only to the footing on which our commercial intercourse with other ports will be left at the time of conceding such advantages. Happily, therefore, with whatever object the clause may have been introduced, the President may issue his proclamation with every assurance that the correspondent acts on the part of this Government, will leave 'the commercial intercourse of the United States with all other parts of the British dominions on a footing not less favorable to the United States than it now is.'

That you may have all the British acts of Parliament relative to this subject before you, and compare without difficulty the various provisions of the act of the 5th July, 1825, for the encouragement of British shipping and navigation, and of that of the same date regulating the trade with the British possessions abroad, I have the honor herewith to forward you '*Hume's Custom Laws*,' containing all that may be useful in your researches.

The observations of the Earl of Aberdeen relative to the scale of duties in favor of those interests incidentally fostered by the suspension of the intercourse between the United States and the West Indies, are less unfavorable than, at the date of my despatch of the 6th April, I had reason to apprehend. It was on the ground of this apprehension, principally, that, in my note to Lord Aberdeen of

the 12th July last, I alluded so particularly to the acts of Congress reducing the duty on several articles of West India produce.

Though it may be probable that the schedule of duties adopted contemporaneously with the act of Parliament of the 5th July, 1825, will be hereafter modified, the effect must be more severely felt by the West India planter, already overburthened, than by our merchants; and in this there is a safe guarantee against any excessive alteration. There is good reason to believe, moreover, that such modification, whenever it shall be made, will consist in reducing the duty on some important articles, while it may increase it on others; and that our trade, in the aggregate, will not be materially affected. This modification, however, is not a part or condition of the present arrangement, and will therefore depend upon future contingencies, of which each nation will be free to take advantage; and ours, particularly, to resort to countervailing duties, if that course be deemed expedient. On this question, we will always have the West Indian interest on our side; and that, after the concessions heretofore made, is all we can expect. The arrangement now proposed will restore to our vessels the direct trade with the British colonial ports, and place the navigation of both countries in that trade upon an equal footing. We may safely rely upon the skill and enterprise of the American merchants to accomplish the rest.

I need scarcely refer to the period for which this question has

embarrassed the trade of our citizens and the relations of the two countries, nor to the numerous failures which have attended the efforts of our Government to adjust it. But it ought not to be forgotten that, in producing these failures, technical interpretations and misapprehension of legal provisions have had their full share. Sensible of this, I felt it my duty to guard, if possible, against their recurrence; and after the solicitude and perseverance with which I have conducted the negotiation, I could not shun the responsibility of attempting to reconcile the apparent obscurities of the law with the clear and frank object of our Government. I am happy to believe, moreover, that, in the attempt, I am fully sustained by the soundest principles of construction. In any event, I shall feel conscious that, with the sincerest desire to conform to the instructions and sustain the character of the Executive, I have faithfully contributed to succor the enterprise of my fellow-citizens, and to place the foreign relations of the country upon a foundation of lasting harmony.

I have the honor to be, Sir, very respectfully your obedient servant,

LOUIS McLANE.

TO THE HON. MARTIN VANBUREN,  
Sec'y of State, Washington.

*The Earl of Aberdeen to Mr McLane.*

Foreign Office, Aug. 17, 1830.

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note of Mr McLane, Envoy Ex-

traordinary and Minister Plenipotentiary from the United States of America to this Court, dated the 12th ultimo, communicating certain measures which have been adopted by Congress with a view to remove the obstacles which have hitherto impeded the re-establishment of the commercial intercourse between the United States and the British West India colonies.

Previously to the receipt of this communication, his Majesty's Government had already had under their consideration Mr McLane's note of the 16th March last, explanatory of the proposition contained in his letter of the 12th of December, 1829, with reference to the same subject; and the undersigned assures Mr McLane that his Majesty's Government, in the earnest and dispassionate attention which they bestowed upon this proposition, were actuated by the most friendly feelings towards the Government of the United States, and by a sincere disposition to meet the proposals which he was authorized to make in the spirit with which they were offered.

But the undersigned considers it unnecessary now to enter into any detailed discussion of the points embraced in those previous communications of Mr McLane, because they are in a great measure superseded by the more specific, and therefore more satisfactory propositions contained in his note of the 12th ultimo; to the contents of which note, therefore, the undersigned will principally confine his present observations.

Of the character and effect of

the recent measure of the American Congress, Mr McLane observes that 'it concedes in its terms all the power in the regulation of the colonial trade, and authorizes the President to confer on British subjects all those privileges, as well in the circuitous as the direct voyage, which Great Britain has at any time demanded or desired.'

In this declaration the undersigned is happy to observe the same spirit and disposition which dictated Mr McLane's former communications, wherein he announced the readiness and desire of the American Government 'to comply with the conditions of the act of Parliament of 1825,' and also that the claims advanced in justification of the omission of the United States to embrace the offers of this country, have been abandoned by those who urged them, and have received no sanction from the people of the United States : and the undersigned readily admits, that, if the bill passed by the American Legislature be well calculated practically to fulfil the expressed intentions of its framers, it must have the effect of removing all those grounds of difference between the two Governments, with relation to the trade between the United States and the British colonies, which have been the subject of so much discussion, and which have constituted the main cause of the suspension of the intercourse by those restrictive acts of the United States which the American Government is now prepared to repeal.

The proposition now made by Mr McLane for the revocation of

the order in Council of 1826 stands upon a ground materially different from that on which the same question was brought forward in the notes of Mr Gallatin in 1827, and even in the more explanatory overtures of Mr McLane contained in his communications of December, 1829, and March, 1830.

Those several proposals were, all of them, invitations to the British Government to pledge itself, hypothetically, to the revocation of the order in Council, in the event of a repeal of those acts of the American Congress which gave occasion to it. His Majesty's Government declined to give that prospective pledge or assurance, on the grounds stated in Lord Dudley's note of the 1st October, 1827. But the objections then urged are not applicable to the present overture. Provision has now been made by an act of the American Legislature for the re-establishment of the suspended intercourse upon certain terms and conditions ; and that act being now before his Majesty's Government, it is for them to decide whether they are prepared to adopt a corresponding measure on the part of Great Britain for that object.

The undersigned is ready to admit that, in spirit and substance, the bill transmitted by Mr McLane is conformable to the view which he takes of it in the expression before quoted from his note of the 12th July ; and that it is calculated, therefore, to afford to Great Britain complete satisfaction on the several points which have been heretofore in

dispute between the two countries. He has also received, with much satisfaction, the explanation which Mr McLane has afforded him verbally, in the last conference which the undersigned had the honor of holding with him, upon those passages in which the wording of the bill appears obscure, and in which it seems at least doubtful whether the practical construction of it would fully correspond with the intentions of the American Government, as expressed by Mr McLane. But it is nevertheless necessary, in order to remove all possibility of future misapprehension upon so important a subject, that he should recapitulate the points upon which those doubts have arisen, and distinctly state the sense in which the undersigned considers Mr McLane as concurring with him in the interpretation of them.

The first point in which a question might arise is, in that passage of the bill wherein it is declared, as one of the conditions on which the restrictions now imposed by the United States may be removed, 'that the vessels of the United States, and their cargoes, on entering the ports of the British possessions, as aforesaid, (viz. in the West Indies, on the continent of America, the Bahama islands, the Caicos, and the Bermuda or Somer islands,) shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels, or their cargoes, arriving in the said colonial possessions *from the United States of America.*' It is not quite clear whether the concluding words, 'from the

United States of America,' are meant to apply to the vessels of the United States, and their cargoes, in the first part of the paragraph, as well as to those of Great Britain or her colonies, in the latter part.

It can scarcely, indeed, have been intended that this stipulation should extend to American vessels coming with cargoes from any other places than the United States, because it is well known that, under the navigation laws of Great Britain, no foreign vessel could bring a cargo to any British colonial port from any other country than its own.

The next condition expressed in the act is, 'that the vessels of the United States may import into the said colonial possessions from the United States, any article or articles which could be imported in a British vessel into the said possessions from the United States.'

In this passage, it is not made sufficiently clear that the articles to be imported on equal terms by British or American vessels from the United States, *must be the produce of the United States.* The undersigned, however, cannot but suppose that such a limitation must have been contemplated, because the clause of the navigation act already adverted to, whereby an American vessel would be precluded from bringing any article not the produce of America to a British colonial port, is not only a subject of universal notoriety, but the same provision is distinctly made in the act of Parliament of 1825, which has been so often referred to in the discussions on this subject.

It was also necessary that the undersigned should ask for some explanation of that section of the bill which has reference to the entry of vessels into the ports of the United States from the continental colonies of Great Britain in North America. These are not placed, in the terms of the act, on the same footing as the ships coming from the colonies of the West Indies.

With respect to the latter, the express provision made for the direct intercourse with those colonies, together with the simultaneous repeal of the several American acts which interdict, at present, the carriage of goods from the United States to West Indian ports, in ships having arrived from other ports in the British dominions, appear fully to warrant the expression, before quoted, of Mr McLane, 'that the act would confer on British vessels all those privileges, as well in the circuitous as in the direct voyage, which Great Britain has at any time demanded.' But, with regard to the continental colonies, there is merely a provision for 'admitting to entry, in the ports of the United States, British vessels or their cargoes from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States.' It must indeed be presumed that vessels from these colonies are intended to be admitted upon the same terms, in all respects, and to be entitled to the same privileges, as British ships from any other British colony.

The act of Congress requires, as a further condition, that, when

the intercourse with the West India colonies shall be opened by Great Britain, 'the commercial intercourse of the United States with all other parts of the British dominions or possessions shall be left on a footing not less favorable to the United States than it now is.'

Although it may be most truly stated that there exists, at this time, no intention to make any alteration in the commercial policy of Great Britain, and equally that there is no disposition on the part of His Majesty's Government to restrict, in any measure, the commercial relations between this country and the United States, yet the positive condition to maintain unchanged, or upon any particular footing of favor, every part of our system of trade affecting our intercourse with America, could not, with propriety, be made the subject of any specific engagement connected with the renewal of the colonial intercourse. Whether that intercourse be renewed or not, it ought to remain at all times as free as it now is, both to the Government of Great Britain and to that of the United States, to adopt, from time to time, such commercial regulations as either State may deem to be expedient for its own interests, consistently with the obligations of existing treaties.

It is due to the candor with which the communications of Mr McLane have been made on this subject, that the undersigned should be thus explicit in noticing the passage in the bill to which he has now adverted.

Mr McLane, in his note of the 12th ultimo, has described and

explained the material diminution which has been made in the duties payable in the United States on the importation of certain articles of colonial produce. This measure has been viewed by His Majesty's Government with sincere satisfaction, as indicating a disposition to cultivate a commercial intercourse with His Majesty's colonies upon a footing of greater freedom and reciprocal advantage than has hitherto existed. But the undersigned must frankly state, that, in the general consideration of the question now to be determined, no weight ought to be assigned to the reduction of those duties, as forming any part of the grounds on which the re-establishment of the intercourse may be acceded to. Those changes are part of the general scheme of taxation which the Government of America may, at all times, impose or modify, with the same freedom as that which Great Britain may exercise in the regulation of any part of its system of duties; and it is the more essential that His Majesty's Government should not contract, by implication, any engagement towards that of the United States with respect to such alterations, because His Majesty's Government have already had under their consideration the expediency of introducing some modifications into the schedule of duties attached to the act of Parliament of 1825, with a view more effectually to support the interests of the British North American colonies. To those interests, fostered, as they have incidentally been, by the suspension of the intercourse between the United States and the West Indies,

His Majesty's Government will continue to look with an earnest desire to afford them such protection by discriminating duties, as may appear to be consistent with the interests of other parts of His Majesty's dominions, and with a sound policy in the commercial relations of this country with all other States.

The undersigned has thought it desirable that this point should be distinctly understood on both sides, in order that no doubt should exist of the right of Great Britain to vary those duties from time to time, according to her own views of expediency, unfettered by any obligation, expressed or implied, towards the United States or any other country.

The undersigned adverts again with satisfaction to the verbal explanations which he has received from Mr McLane of those passages in the act of Congress which have not appeared to the undersigned to be literally adapted to the provisions of the act of Parliament of 1825. He concurs with Mr McLane in thinking that these will be found to have been merely apparent deviations from the conditions of that statute, because the whole of the recent proceedings of the American Government and Legislature in this matter have been manifestly and expressly founded upon a determination to conform to it. Any other view of the subject would be entirely at variance with the tenor of the several communications from Mr McLane before adverted to, which have all been conformable to the explicit proposition contained in his note of the 12th December, 1829, 'that the

Government of the United States should now comply with the conditions of the act of Parliament of July 5, 1825, by an express law, opening their ports for the admission of British vessels, and by allowing their entry with the same kind of British colonial produce as may be imported in American vessels, the vessels of both countries paying the same charges; suspending the alien duties on British vessels and cargoes, and abolishing the restrictions in the act of Congress of 1823 to the direct intercourse between the United States and the British colonies; and that such a law should be immediately followed by a revocation of the British order in Council of the 27th July, 1826, the abolition or suspension of 'all discriminating duties on American vessels in the British colonial ports, and the enjoyment, by the United States, of the advantages of the act of Parliament of the 5th July, 1825.' It only remains, therefore, for the undersigned to assure Mr McLane that, if the President of the United States shall determine to give effect to the act of Congress, in conformity with the construction put upon its provisions both by Mr McLane and by the undersigned, all difficulty on the part of Great Britain, in the way of a renewal of the intercourse between the United States and the West Indies, according to the foregoing proposition made by Mr McLane, will thereby be removed.

The undersigned has the honor to renew to Mr McLane the assurances of his highest consideration.

ABERDEEN.

LEWIS McLANE, Esq. &c. &c. &c.

*Mr Van Buren to Mr McLane.*

Department of State,  
Washington, Oct. 5, 1830. }

SIR: Your despatch of the 20th August was, on the 3d instant, received at this Department, and with its contents, laid before the President.

You will perceive by the inclosed proclamation, and instructions from the Treasury Department to the collectors of customs, that the President has adopted without reserve the construction given to the act of Congress of the 29th of May, 1830, by Lord Aberdeen and yourself, by accepting the assurance of the British Government, with the accompanying explanations, as a compliance with its requisitions, and by doing all that was necessary to carry the proposed arrangement into complete effect on the part of the United States. By virtue of the President's proclamation, and the operation of the act of Congress above referred to, our restrictive acts are repealed, and the ports of the United States opened to British vessels coming from any of the British colonial possessions mentioned in both sections of the act, upon the terms stated in that act, and in the accompanying instruction. The President does not doubt that, having thus given effect to the arrangement on the part of this Government, that of Great Britain will without delay do what is necessary on its side to remove all existing obstructions to the renewal of the intercourse between the United States and the British colonial possessions referred to, according to the proposi-



tion submitted by you and accepted by that Government. He allows himself also to expect that the circumstance that the ports of the United States are forthwith open to British vessels, while the opening of those of Great Britain must await the action of the British Government, thus producing temporarily an unequal operation, will induce his Majesty's Government to give to the matter its earliest attention.

The President has derived great satisfaction from the candor and liberality which have characterized the conduct of his Majesty's ministers throughout the negotiation, and particularly in not suffering the inadvertencies of our legislation, attributable to the haste and confusion of the closing scenes of the session, to defeat or delay the adjustment of a question, with respect to the substance of which, and the interest of the two countries, in its adjustment, both Governments are now happily of one opinion. He cherishes the most lively anticipations of the solid benefits which will flow from the trade that is about to revive, as well as of the benign influence which the satisfactory removal of a long standing and vexatious impediment to the extension of their commercial intercourse is calculated to exercise upon the relations between the two countries. It is his wish that you should make his Majesty's Government acquainted with these sentiments, and assure it that he will neglect no opportunity which may present itself, to prove his sincere desire to strengthen and improve those relations by every act within

the sphere of his authority, which may contribute to confirm the good understanding so happily established.

It is also to me a pleasing duty to express to you, as I am directed to do, the entire satisfaction of the President with your conduct on this important occasion. The untiring zeal, patriotic exertions, and great ability, which you have displayed in the difficult negotiation thus satisfactorily concluded, realize all the anticipations he had formed from the employment of your talents in this important branch of the public service, and entitle you to the thanks of your country. To these sentiments I beg leave to add the expression of my own unqualified approbation of all your acts since the commencement of your mission near the Government of Great Britain.

I am, with great respect, your obedient servant,

M. VAN BUREN.

LOUIS McLANE, Esq. *Envoy Extraordinary, &c. &c.*

*By the President of the United States of America.*

#### A PROCLAMATION.

Whereas, by an act of the Congress of the United States, passed on the twentieth day of May, one thousand eight hundred and thirty, it is provided, that, whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama islands, the Caicos, and the Bermuda or Somer islands, to the vessels of the United States, for

an indefinite or for a limited term ; that the vessels of the United States, and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels, or their cargoes, arriving in the said colonial possessions from the United States ; that the vessels of the United States may import into the said colonial possessions, from the United States, any article or articles which could be imported in a British vessel into the said possessions from the United States ; and that the vessels of the United States may export from the British colonies afore-mentioned, to any country whatever, other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions or possessions aforesaid — leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is — that then, and in such case, the President of the United States shall be authorized, at any time before the next session of Congress, to issue his proclamation, declaring that he has received such evidence ; and that, thereupon, and from the date of such proclamation, the ports of the United States shall be opened indefinitely, or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions and their cargoes, subject to no other or

higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions, and that it shall be lawful for the said British vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in vessels of the United States ; and that the act, entitled ‘ An act concerning navigation,’ passed on the eighteenth day of April, one thousand eight hundred and eighteen, an act supplementary thereto, passed the fifteenth day of May, one thousand eight hundred and twenty, and an act, entitled ‘ An act to regulate the commercial intercourse between the United States and certain British ports,’ passed on the first day of March, one thousand eight hundred and twentythree, shall, in such case, be suspended or absolutely repealed, as the case may require :

And whereas, by the said act, it is further provided, that whenever the ports of the United States shall have been opened under the authority thereby given, British vessels and their cargoes shall be admitted to an entry in the ports of the United States, from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States :

And whereas, satisfactory evidence has been received by the President of the United States, that, whenever he shall give effect to the provisions of the act aforesaid, the Government of Great Britain will open, for an indefinite period, the ports in its colonial

possessions in the West Indies, on the continent of South America, the Bahama islands, the Caicos, and the Bermuda or Somer islands, to the vessels of the United States, and their cargoes, upon the terms, and according to the requisitions, of the aforesaid act of Congress :

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that such evidence has been received by me ; and that, by the operation of the act of Congress passed on the twentieth day of May, one thousand eight hundred and thirty, the ports of the United States are, from the date of this proclamation, open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said act ; the act entitled ‘ An act concerning navigation,’ passed on the eighteenth day of April, one thousand eight hundred and eighteen, the act supplementary thereto, passed the fifteenth day of May, one thousand eight hundred and twenty, and the act, entitled ‘ An act to regulate the commercial intercourse between the United States and certain British ports,’ passed the first day of March, one thousand eight hundred and twentythree, are absolutely repealed ; and British vessels and their cargoes are admitted to an entry in the ports of the United States, from the islands, provinces and colonies of Great Britain, on or near the North American continent, and north or east of the United States.

Given under my hand, at the city of Washington, the fifth day of October, in the year of our

Lord one thousand eight hundred and thirty, and the fiftyfifth of the Independence of the United States.

ANDREW JACKSON.

By the President :

M. VAN BUREN,  
*Secretary of State.*

*Circular to the Collectors of Customs.*

Treasury Department, }  
October 6, 1830. }

SIR : You will perceive by the proclamation of the President, herewith transmitted, that, from and after the date thereof, the act, entitled ‘ An act concerning navigation,’ passed on the 18th of April, 1818, an act supplementary thereto, passed the 15th of May, 1820, and an act, entitled ‘ An act to regulate the commercial intercourse between the United States and certain British ports,’ passed on the 1st of March, 1823, are absolutely repealed ; and the ports of the United States are opened to British vessels and their cargoes, coming from the British colonial possessions in the West Indies, on the continent of South America, the Bahama islands, the Caicos, and the Bermuda or Somer islands ; also from the islands, provinces, or colonies of Great Britain on or near the North American continent, and north or east of the United States. By virtue of the authority of this proclamation, and in conformity with the arrangement made between the United States and Great Britain, and under the sanction of the President, you are instructed to admit to entry such vessels, being laden with the productions of Great

Britain or her said colonies, subject to the same duties of tonnage and impost, and other charges, as are levied on the vessels of the United States, or their cargoes, arriving from the said British colonies. You will, also, grant clearances to British vessels for the several ports of the aforesaid colonial possessions of Great Britain, such vessels being laden with such articles as may be exported from the United States: in vessels of the United States and British vessels, coming from the said British colonial possessions, may also be cleared for foreign ports and places other than those in the said British colonial possessions, being laden with such articles as may be exported from the United States in vessels of the United States.

I am, Sir, very respectfully,  
your obedient servant,

S. D. INGHAM.

*Secretary of the Treasury.*

[Here follows a copy of the above proclamation by the President.]

*Extract of a letter from Mr Mc-*  
*'Lane to Mr Van Buren, dated*  
*London, Nov. 6, 1830.*

I received on the 2d instant, your despatch, number 22, of the 5th October, transmitting the proclamation of the President, and instructions from the Treasury Department to the collectors of customs, executing, on the part of our Government, the proposed arrangement with this, for the restoration of the direct intercourse with the British West Indies. I communicated these documents to the Earl of Aberdeen on the 3d instant, and have the honor to

transmit herewith his answer thereto, and an order of the King in Council, completing the proposed arrangement on the part of Great Britain, and fully closing the negotiation upon this important part of our relations.

This arrangement has already produced, and will continue to produce, considerable dissatisfaction in the British northern provinces,\* and with those interests which have been incidentally fostered by the omission of our Government to comply with the terms of the act of 5th July, 1825, and the British order in Council of July, 1826. It may be expected, therefore, as I have already stated in my former despatches, that some attempt will be immediately made to reconcile those interests to the restoration of the direct intercourse. Some of the duties in favor of the northern productions will, doubtless, be increased, but others will be reduced. I cannot, however, at this moment, speak fully or with entire certainty of the intentions of this Government in that respect.

It may be proper for me to inform you, that, by the act of Parliament of the 2d of July, 1827, entitled 'An act to amend the laws relating to the customs,' the importation of *salted beef and pork* is admitted into Newfoundland free of duty, and into all the other British ports at a duty of twelve shillings sterling the hundred weight. Under the present arrangement, by which the colonial ports are now opened to our vessels, we shall be entitled to the benefit of this act, and in that way acquire a valuable branch of trade, which we could not have

enjoyed by the famous act of 5th July, 1826.

*Mr McLane to Lord Aberdeen.*

9, Chandos St., Portland Place, }  
November 3, 1830. }

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honor to transmit herewith to the Earl of Aberdeen, His Majesty's principal Secretary of State for Foreign Affairs, a proclamation issued by the President of the United States on the fifth of October last, and, also, a letter of instructions from the Secretary of the Treasury, in conformity thereto, to the several collectors of the United States, removing the restrictions on the trade in British vessels with the ports of the United States and the colonial possessions of Great Britain. And the undersigned takes leave to add, that, although these papers appear to be sufficiently clear and explicit, he will take much pleasure in making any further personal explanation of their import that may be considered desirable.

It will be perceived, however, that, by virtue of the foregoing proclamation; and the operation of the act of Congress of the 29th May, 1830, the restrictive acts of the United States are absolutely repealed; that the ports of the United States are open to the admission and entry of British vessels coming from any of the British ports mentioned in both sections of the said act, with the same kind of British colonial produce as may be imported in American vessels, and upon the

same terms; and that the alien duties, in the ports of the United States, on British vessels and their cargoes, and also the restrictions in the act of the Congress of the United States of 1823 to the direct intercourse between the United States and the British West India colonies, are abolished.

The undersigned has the honor to state further, that these acts have been performed by the President in conformity with the letter of the Earl of Aberdeen of the 17th of August last, and that, by accepting the assurance of the British Government, with the accompanying explanation, as a compliance with the requisitions of the act of Congress of the 29th May, 1830, and doing all that was necessary on the part of the United States to effect the proposed arrangement, he has adopted, without reserve, the construction put upon the act of Congress both by the Earl of Aberdeen and the undersigned.

In communicating these documents to the Earl of Aberdeen, the undersigned is instructed to inform him that the President has derived great satisfaction from the candor manifested by his Majesty's Ministers in the course of the negotiation; and that, having thus given effect to the arrangement on the part of the United States, he does not doubt that Great Britain, acting in the spirit and terms of the proposition submitted by the undersigned, and accepted in the letter of Lord Aberdeen of the 17th of August last, will as promptly comply with those terms, on her part, and remove the existing obstructions to the renewal

of the intercourse between the ports of the United States and the British colonial possessions.

In conclusion, the undersigned takes leave to state, that, from the date of the proclamation of the President, the vessels of Great Britain have been and are actually in the enjoyment of all the advantages of the proposed arrangement, while the vessels of the United States are and must remain excluded from the same until the requisite measures shall be adopted by this Government. The undersigned has the honor to ask, therefore, that the Earl of Aberdeen will enable him to communicate the adoption of those measures to his Government, by the opportunity which will offer for that purpose on the 6th instant.

The undersigned avails himself of this occasion to renew to the Earl of Aberdeen the assurance of his highest consideration.

LEWIS McLANE.

To the Right Hon. the Earl of ABERDEEN, &c, &c, &c.

*Lord Aberdeen to Mr McLane.*

Foreign Office, Nov. 5, 1830.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note of Mr McLane, Envoy Extraordinary and Minister Plenipotentiary from the United States at this court, of the 3d instant, in which he incloses a proclamation issued by the President of the United States on the 5th ultimo, and also a letter of instructions from the Secretary of the Treasury, in conformity thereto, to the several collectors of the United States, removing the restrictions

on the trade in British vessels with the ports of the United States and the colonial possessions of Great Britain.

Mr McLane observes, that by virtue of the proclamation in question, and the operation of the act of Congress of the 29th May, 1830, the restrictive acts of the United States are absolutely repealed; that the ports of the United States are opened to the admission and entry of British vessels coming from any of the British ports mentioned in both sections of the said act, with the same kind of British colonial produce as may be imported in American vessels, and upon the same terms; that the alien duties in the ports of the United States on British vessels and their cargoes, and also the restrictions in the act of Congress of the United States of 1823, to the direct intercourse between the United States and the British West India colonies, are abolished.

Mr McLane adds, that, in performing these acts, the President of the United States has adopted, without reserve, the construction put upon the act of Congress of the 29th of May, 1830, by himself, and by the undersigned in his note of the 17th of August last.

The undersigned having stated to Mr McLane, in his above-mentioned note, that, under such circumstances, all difficulty on the part of Great Britain, in the way of the renewal of the intercourse between the United States and the West Indies, according to the proposition made by Mr McLane, would be removed, he has now the honor to transmit to Mr Mc-

Lane the accompanying copy of an order issued by His Majesty in Council this day, for regulating the commercial intercourse between the United States and His Majesty's possessions abroad.

The undersigned cannot omit this opportunity of expressing to Mr McLane the satisfaction of His Majesty's Government at the promptitude and frankness with which the President of the United States has concurred in the view taken by them of this question; and at the consequent extension of that commercial intercourse which it is so much the interest of both countries to maintain, and which His Majesty will always be found sincerely desirous to promote by all the means in his power.

The undersigned avails himself of this occasion to renew to Mr McLane the assurances of his highest consideration.

ABERDEEN.

LOUIS McLANE, Esq., &c, &c, &c.

At the Court at St James', }  
November 5, 1830. }

Present: The King's Most Excellent Majesty in Council.

Whereas, by a certain act of Parliament, passed in the 6th year of the reign of his late Majesty King George the Fourth, entitled 'An act to regulate the trade of the British possessions abroad,' after reciting that, 'by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever, and that it is expedient that

such permission should be subject to certain conditions, it is therefore enacted, that the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privilege of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country and of its possessions abroad upon the footing of the most favored nation, unless his Majesty, by his order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country.' And whereas, by a certain order of his said late Majesty in Council, bearing date the 27th day of July, 1826, after reciting that the conditions mentioned and referred to in the said act of Parliament had not in all respects been fulfilled by the Government of the United States of America, and that, therefore, the privileges so granted as aforesaid by the law of navigation to foreign ships could not lawfully be exercised or enjoyed by the ships of the United States aforesaid, unless His Majesty, by his order in Council, should grant the whole or any of such privileges to the ships of the United States aforesaid, his said late Majesty did, in pursuance of the powers in him vested by the said act, grant the privileges aforesaid to the ships of the said United States, but did thereby provide and declare that such privileges should absolutely cease and determine in His Ma-

jesty's possessions in the West Indies and South America, and in certain other of His Majesty's possessions abroad, upon and from certain days in the said order for that purpose appointed, and which are long since passed: And whereas, by a certain other order of his said late Majesty in Council, bearing date the 16th of July, the said last mentioned order was confirmed: And whereas, in pursuance of the acts of Parliament in that behalf made and provided, his said late Majesty, by a certain order in Council bearing date the 21st day of July, 1823, and by the said order in Council bearing date the 27th day of July, 1826, was pleased to order that there should be charged on all vessels of the said United States which should enter any of the ports of His Majesty's possessions in the West Indies or America, with articles of the growth, produce, or manufacture of the said States, certain duties of tonnage and of customs therein particularly specified: And whereas it hath been made to appear to His Majesty in Council that the restrictions heretofore imposed by the laws of the United States aforesaid upon British vessels navigating between the said States and His Majesty's possessions in the West Indies and America have been repealed, and that the discriminating duties of tonnage and of customs heretofore imposed by the laws of the said United States upon British vessels and their cargoes, entering the ports of the said States from His Majesty's said possessions, have also been repealed; and that the

ports of the United States are now open to British vessels and their cargoes coming from His Majesty's possessions aforesaid. His Majesty doth, therefore, with the advice of his Privy Council, and in pursuance and exercise of the powers so vested in him as aforesaid, by the said act so passed in the 6th year of the reign of his said late Majesty, or by any other act or acts of Parliament, declare that the said recited orders in Council of the 21st day of July, 1823, and of the 27th day of July, 1826, and the said order in Council of the 16th day of July, 1827, (so far as the such last mentioned order relates to the said United States,) shall be, and the same are hereby, respectively revoked: And His Majesty doth further, by the advice aforesaid, and in pursuance of the powers aforesaid, declare that the ships of and belonging to the United States of America may import from the United States aforesaid, into the British possessions abroad, goods the produce of those States, and may export goods from the British possessions abroad, to be carried to any foreign country whatever.

And the Right Honorable the Lords Commissioners of His Majesty's Treasury, and the Right Honorable Sir George Murray, one of His Majesty's principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

A true copy.  
 Council Office, Whitehall,  
 Nov. 6, 1830.



*Present and proposed Import Duties in the American Colonies.*

TABLE OF DUTIES on certain articles of provisions, and of wood and lumber, not being the growth, production, or manufacture of the United Kingdom, nor of any British possession, imported or brought by sea, or by inland carriage or navigation, into the several British possessions in America.

1. SOUTHERN COLONIES.		Present duty.	Proposed duty
Imported or brought into the British possessions on the continent of South America, or in the West Indies, the Bahama and Bermuda islands included, viz.			
PROVISIONS, viz.		£ s. d.	£ s. d.
Wheat, the bushel - - - - -		0 1 0	0 1 2
Wheat, imported from the northern colonies - - -		0 1 0	duty free
Wheat flour, the barrel, - - - - -		0 5 0	0 6 0
Wheat imported from the northern colonies, except Newfoundland, - - - - -		0 1 0	duty free.
Bread or biscuit, the cwt. - - - - -		0 1 0	duty free.
Flour or meal, not of wheat, the barrel, - - -		0 2 6	duty free.
Peas, beans, rye, calavances, oats, barley, Indian corn, the bushel, - - - - -		0 0 7	duty free.
Rice, the 100 lbs. net weight, - - - - -		0 2 6	duty free.
Live stock, - - - - -		10 per cent.	duty free.
LUMBER, viz.			
Shingles, not being more than 12 inches in length, the 1000 - - - - -		0 7 0	0 10 6
Shingles, imported from the northern colonies, - -		duty free.	duty free.
Shingles being more than 12 inches in length the 1000, - - -		0 14 0	1 1 0
Shingles imported from the northern colonies, - -		duty free.	duty free
Staves and headings, viz. - - - - -			
— red oak, the 1000, - - - - -		0 15 0	} 0 18 9
— white oak, the 1000, - - - - -		0 12 6	
— imported from the northern colonies, - - -		duty free.	duty free.
Wood hoops, the 1000, - - - - -		0 5 3	0 7 10
— imported from the northern colonies, - - -		duty free.	duty free.
White, yellow, and pitch pine lumber, the 1000 feet of one inch thick, - - - - -		1 1 0	1 11 6
White, yellow, and pitch pine lumber, imported from the northern colonies, - - - - -		0 5 3	duty free
Other wood and lumber, the 1000 feet of 1 inch thick, - - -		1 8 0	1 11 6
— imported from the northern colonies, - - -		0 7 0	duty free.
2. NORTHERN COLONIES.			
Imported or brought into the British possessions in N. America.			
PROVISIONS, viz.			
Wheat, the bushel, - - - - -		0 1 0	duty free.
Wheat flour, the barrel, - - - - -		0 5 0	0 5 0
[May be warehoused, without payment of duty, for exportation to the southern colonies.]			
Bread or biscuit, the cwt. - - - - -		0 1 6	duty free.
Flour and meal, not of wheat, the barrel, - - -		0 2 6	duty free.
Peas, beans, rye, calavances, oats, barley, Indian corn, the bushel, - - - - -		0 0 7	duty free.
Rice, the 100 lbs. net weight, - - - - -		0 2 6	duty free.
Live stock, - - - - -		duty free.	duty free.
NOTE.— By act G. George IV. c. 114, food and victuals, among other things, fit and necessary for the British fisheries in America, and imported in British ships into the place at or from whence the fishery is carried on, are duty free.			
LUMBER, viz.			
Shingles, - - - - -		duty free.	duty free.
Staves, - - - - -		duty free.	duty free.
Wood hoops, - - - - -		duty free.	duty free.
White, yellow, and pitch pine lumber, the 1000 feet of 1 inch thick, - - - - -		1 1 0	duty free.
Other wood and lumber, the 1000 feet, - - - - -		1 8 0	duty free.
[May be warehoused, without payment of duty, for exportation to the southern colonies.]			

*Documents concerning the Relations between the United States  
and the Creek and Cherokee Indians.*

*Indian Talk.—From the President of the United States to the Creek Indians, through Col. Crowell.*

FRIENDS AND BROTHERS: By permission of the Great Spirit above, and the voice of the people, I have been made President of the United States, and now speak to you as your father and friend, and request you to listen. Your warriors have known me long. You know I love my white and red children, and always speak with a straight, and not with a forked tongue; that I have always told you the truth. I now speak to you as to my children, in the language of truth—Listen.

Your bad men have made my heart sicken and bleed by the murder of one of my white children in Georgia. Our peaceful mother earth has been stained by the blood of the white man, and calls for the punishment of his murderers, whose surrender is now demanded under the solemn obligation of the treaty which your Chiefs and warriors in council have agreed to. To prevent the spilling of more blood, you must surrender the murderers, and restore the property they have taken. To preserve peace, you must comply with your own treaty.

Friends and Brothers, listen: Where you now are, you and my white children are too near to

each other to live in harmony and peace. Your game is destroyed, and many of your people will not work and till the earth. Beyond the great river Mississippi, where a part of your nation has gone, your father has provided a country large enough for all of you, and he advises you to remove to it. There your white brothers will not trouble you; they will have no claim to the land, and you can live upon it, you and all your children, as long as the grass grows or the water runs, in peace and plenty. It will be yours forever. For the improvements in the country where you now live, and for all the stock which you cannot take with you, your father will pay you a fair price.

In my talk to you in the Creek nation, many years ago, I told you of this new country, where you might be preserved as a great nation, and where your white brothers would not disturb you. In that country your Father, the President, now promises to protect you, to feed you, and to shield you from all encroachment. Where you now live, your white brothers have always claimed the land. The land beyond the Mississippi belongs to the President, and to none else; and he will give it to you forever.

My children, listen. The late murder of one of my white children in Georgia, shows you that

you and they are too near to each other. These bad men must be now delivered up, and suffer the penalties of the law for the blood they have shed.

I have sent my agent ———, and your friend Col. Crowell, to demand the surrender of the murderers, and to consult with you upon the subject of your removing to the land I have provided for you West of the Mississippi, in order that my white and red children may live in peace, and that the land may not be stained with the blood of my children again. I have instructed Col. Crowell to speak the truth to you, and to assure you, that your Father, the President, will deal fairly and justly with you; and while he feels a Father's love for you, that he advises your whole nation to go to the place where he can protect and foster you. Should any incline to remain and come under the laws of Alabama, land will be laid off for them, and their families in fee.

My children, listen. My white children in Alabama have extended their law over your country. If you remain in it, you must be subject to that law. If you remove across the Mississippi, you will be subject to your own laws, and the care of your Father the President. You will be treated with kindness, and the land will be yours forever.

Friends and Brothers, listen. This is a straight and good talk. It is for your nation's good, and your Father requests you to hear his counsel.

ANDREW JACKSON.

March 23, 1829.

*The Secretary of War to the Cherokee Delegation.*

Department of War, }  
April 18, 1829. }

To Messrs John Ross, Richard Taylor, Edward Gunter, and William S. Coody, Cherokee Delegation.

**FRIENDS AND BROTHERS:**  
Your letter of the 17th of February, addressed to the late Secretary of War, has been brought to the notice of this Department, since the communication made to you on the 11th inst. and having conversed freely and fully with the President of the United States, I am directed by him to submit the following as the views which are entertained, in reference to the subjects which you have submitted for consideration.

You state that 'the Legislature of Georgia, in defiance of the laws of the United States, and the most solemn treaties existing,' have extended a jurisdiction over your nation, to take effect in June, 1830. That 'your nation had no voice in the formation of the confederacy of the Union, and has ever been unshackled with the laws of individual States, because independent of them;' and that consequently this act of Georgia is to be viewed 'in no other light than a wanton usurpation of power, guarantied to no State, neither by the common law of the land, nor by the laws of nature.'

To all this, there is a plain and obvious answer, deducible from the known history of the country. During the war of the Revolution, your nation was the friend and ally of Great Britain: a power which then claimed entire sove-

reignty within the limits of what constituted the thirteen United States. By the Declaration of Independence, and, subsequently, the treaty of 1783, all the rights of sovereignty pertaining to Great Britain became vested respectively in the original States of the Union, including North Carolina and Georgia, within whose territorial limits, as defined and known, your nation was then situated. If, as is the case, you have been permitted to abide on your own lands from that period to the present, enjoying the right of soil and privilege to hunt, it is not thence to be inferred, that this was anything more than a permission growing out of compacts with your nation; nor is it a circumstance whence now to deny to those States the exercise of their original sovereignty.

In the year 1785, three years after the independence of the States, which compose this Union, had been acknowledged by Great Britain, a treaty at Hopewell was concluded with your nation by the United States. The emphatic language it contains cannot be mistaken, commencing as follows: — ‘The commissioners plenipotentiaries of the United States in Congress assembled, give peace to all the Cherokees, and receive them into favor and protection of the United States of America.’ It proceeds then to allot and to define your limits and your hunting grounds. You were secured in the privilege of pursuing the game and from encroachments by the whites. No right, however, save a mere possessory one, is, by the provisions of the treaty

of Hopewell, conceded to your nation. The soil, and the use of it, were suffered to remain with you, while the sovereignty abided precisely where it did before, in those States within whose limits you were situated.

Subsequent to this, your people were at enmity with the United States, and waged a war upon our frontier settlements; a durable peace was not entered into with you until 1791. At that period a good understanding obtained, hostilities ceased, and by the treaty made and concluded, your nation was placed under the protection of our Government, and a guarantee given, favorable to the occupancy and possession of your country. But the United States, always mindful of the authority of the States, even when treating for what was so much desired, peace with their red brothers, forbore to offer a guarantee adverse to the sovereignty of Georgia. They could not do so; they had not the power.

At a more recent period, to wit, in 1802, the State of Georgia, defining her own proper limits, ceded to the United States all her western territory upon a condition, which was accepted, ‘that the United States shall, at their own expense, extinguish for the use of Georgia, as early as the same can be peaceably obtained on reasonable terms, the Indian title to all the lands within the State of Georgia.’ She did not ask the military arm of the Government to be employed, but in her mildness and forbearance, only, that the soil might be yielded to her, so soon as it could peaceably be obtained, and on

reasonable terms. In relation to sovereignty, nothing is said or hinted at in the compact ; nor was it necessary or even proper, as both the parties to the agreement well knew, that it was a right which already existed in the State in virtue of the declaration of our independence, and of the treaty of 1783, afterwards concluded.

These things have been made known to you frankly and after the most friendly manner; and particularly at the making of the treaty with your nation in 1817, when a portion of your people stipulated to remove to the west of the Mississippi ; and yet it is alleged, in your communication to this department, that you have 'been unshackled with the laws of individual States, because independent of them.'

The course you have pursued of establishing an independent, substantive government, within the territorial limits of the State of Georgia, adverse to her will and contrary to her consent, has been the immediate cause which has induced her to depart from the forbearance she has so long practised ; and in virtue of her authority, as a sovereign, independent State, to extend over your country her legislative enactments, which she and every State embraced in the confederacy, from 1783 to the present time, when their independence was acknowledged and admitted, possessed the power to do, apart from any authority, or opposing interference by the General Government.

But suppose, and it is suggested merely for the purpose of awakening your better judgment, that Geor-

gia cannot, and ought not, to claim the exercise of such power — what alternative is then presented ? In reply, allow me to call your attention for a moment to the grave character of the course which under a mistaken view of your own rights, you desire this government to adopt. It is no less than an invitation that she shall step forward to arrest the constitutional acts of an independent State, exercised within her own limits. — Should this be done and Georgia persist in the maintenance of her rights and her authority, the consequences might be that the act would prove injurious to us, and, in all probability, ruinous to you. The sword might be looked to as the arbiter in such an interference. But this can never be done. The President cannot and will not beguile you with such an expectation. The arms of this country can never be employed to stay any State of this Union from the exercise of those legitimate powers which attach and belong to their sovereign character. An interference to the extent of affording you protection, and the occupancy of your soil, is what is demanded of the justice of this country, and will not be withheld ; yet in doing this, the right of permitting to you the enjoyment of a separate Government within the limits of a State, and of denying the exercise of sovereignty to that State within her own limits, cannot be admitted. It is not within the range of powers granted by the States to the General Government, and therefore not within its competency to be exercised.

In this view of the circumstances connected with your application, it becomes proper to remark that no remedy can be perceived, except that which frequently heretofore has been submitted for your consideration — a removal beyond the Mississippi, where alone can be assured to you protection and peace. It must be obvious to you, and the President has instructed me to bring it to your candid and serious consideration, that to continue where you are, within the territorial limits of an independent State, can promise you nothing but interruption and disquietude. Beyond the Mississippi your prospects will be different. There you will find no conflicting interests. The United States' power and sovereignty, uncontrolled by the high authority of State jurisdiction, and resting on its own energies, will be able to say to you, in the language of your own nation, 'the soil shall be yours, while the trees grow or the streams run.' But, situated where you now are, he cannot hold to you such language, or consent to beguile you by inspiring in your bosoms hopes and expectations which cannot be realized. Justice and friendly feelings cherished towards our red brethren of the forest, demand that, in all our intercourse, frankness should be maintained.

The President desires me to say, that the feelings entertained by him towards your people, are of the most friendly kind; and that, in the intercourse heretofore, in past times, so frequently had with the Chiefs of your nation, he

failed not to warn them of the consequences which would result to them from residing within the limits of sovereign States.

He holds to them now no other language than that which he has heretofore employed; and, in doing so, feels convinced that he is pointing out that course which humanity and a just regard for the interests of the Indian will be found to sanction. In the view entertained by him of this important matter, there is but a single alternative — to yield to the operation of those laws which Georgia claims, and has a right to extend throughout her own limits, or to remove, and by associating with your brothers beyond the Mississippi, to become again united as one nation, carrying along with you that protection which, there situated, it will be in the power of the Government to extend. The Indians being thus brought together at a distance from their white brothers, will be relieved from very many of those interruptions which, situated as they are at present, are without remedy. The Government of the United States will then be able to exercise over them a paternal and superintending care, to happier advantage; to stay encroachments, and preserve them in peace and amity with each other: while, with the aid of schools, a hope may be indulged that, ere long, industry and refinement will take the place of those wandering habits now so peculiar to the Indian character, the tendency of which is to impede them in their march to civilization.

Respecting the intrusions on

your lands submitted also for consideration, it is sufficient to remark, that of these the Department had already been advised, and instructions have been forwarded to the Agent of the Cherokees, directing him to cause their removal; and it is earnestly hoped, that, on this matter, all cause for future complaint will cease and the order prove effectual. With great respect, your friend,

JOHN H. EATON.

*Opinion of the Attorney-general as to the right acquired to the soil under existing Treaties with the Cherokees.*

Office of the Attorney-general U. S. }  
March 10, 1830. }

SIR: The question which you propose, relates to the condition of those lands within the Cherokee hunting grounds, the improvements on which, having been paid for by the United States, the lands themselves have been abandoned by the individual occupants, who have emigrated to the westward. The inquiry renders necessary an examination of those doctrines which relate to the title of this Indian tribe to the land which it occupies, and of our relations to them, as these may have been affected by the treaties or compacts which have been entered into with them.

In the very elaborate opinion delivered by chief justice Marshall, in the case of *Johnson vs. McIntosh*, re-affirming the doctrine asserted in *Fletcher and Peck*, and speaking of the lands in the occupancy of the Indian tribes, it is declared, that, by the treaty between Great Britain and

the United States, which concluded the war of our revolution, the powers of government, and the rights to soil which had previously been in Great Britain, passed definitively to those states; that the United States, or the several States, have a clear title to all lands within the boundary lines described in the treaty, subject only to the Indian right of occupancy. Such, it is said, also, is the doctrine which has been held by the various European nations, who acquired territory on this continent, and who have all asserted their right to the soil, by making grants of lands which were yet in the possession of Indian tribes. Such, I have to remark, will moreover be found to be the spirit of the several compacts entered into with this particular tribe, if these are carefully considered and general expressions are interpreted as they should be, by a reference to principles which had been already settled in previous stipulations with them, or which necessarily grew out of the relations between a civilized community, and the savage tribes which rove within the limits of its jurisdiction and sovereignty.

In the first treaty with this tribe, that concluded at Hopewell, they are manifestly considered as a conquered people, and the terms of that instrument clearly indicate the recognition of the principle adverted to by the Supreme Court, in the case of *Johnson and McIntosh*, that a conqueror prescribes the limits of the right of conquest; and that the limitations which humanity, fortifying itself by usage,

imposes upon civilized nations, cannot be applied and enforced in relation to a savage tribe.

The instrument commences by this emphatic declaration: the commissioners plenipotentiary of the United States, &c, &c, *give peace* to all the Cherokees, and *receive them into the favor and protection* of the United States of America, *on the following conditions*.

The tribe was no longer in that state, in which, as an independent and unconquered nation, it could stipulate for itself, that there should be peace between the United States and its people; but only in a condition to receive this as a boon resulting from the mere grace of the conqueror. It was a boon which was moreover grafted on such *conditions* as could only have been imposed on a conquered and uncivilized people. They were required to restore all prisoners and property taken by them during the war, and to do homage to the United States, by acknowledging themselves under the protection of this government, and by expressly abjuring all other protection. When they had thus humbled themselves before their conqueror, and it became necessary to assign to them a country, in which they might dwell, this was not done by marking out to them the limits of a domain, which should be appropriated to them in fee, or by any other determinate title, and which, separated from the United States, should be circumscribed by limits which each party should be bound to respect. On the contrary, the terms of the

treaty show, that, like the gift of peace, it was an act of mere grace on the part of the United States, by which a base and determinable interest was conceded, in the lands which were assigned to them. The fourth article of this instrument declares, that the boundary *allotted* to the Cherokees for their *hunting grounds* between the said Indians and the United States, *within the limits of the United States of America*, is, and shall be, &c, &c. The territory thus described, was then *allotted* by the will of the conqueror; it was so allotted as mere *hunting grounds*, over which the tribe was free to rove in pursuit of their game, without conferring on them any permanent interest in the soil itself, the fee in which remained in the State within whose jurisdictional limits it was; and *these hunting grounds were acknowledged to be within the sovereign limits of the United States*.

Such were the terms which the United States, in the exercise of the rights of conquest, and of those acquired under the treaty of 1783, with Great Britain, imposed upon the Cherokees; and it was upon these conditions that the tribe agreed to accept, and to retain possession of the lands which were thus assigned or allotted to them. The principle thus decisively settled by the treaty of Hopewell, is fundamental. It constitutes the basis of all subsequent stipulations, and furnishes the key by which they are to be interpreted. When, therefore, in the subsequent treaty of *Holston*, the United States solemnly guaranty to the Cherokees, the lands



not thereby ceded, the stipulation must be understood with reference to the interest, which by the treaty of *Hopewell*, they had in these lands; which it has been seen was such, and no more, as an *allotment* of them for *hunting grounds*, could create. In the treaty afterwards entered into at *Tellico*, the continuing force and obligation of this treaty is recognised: for the second article expressly stipulates, that the treaties subsisting between the contracting parties, are acknowledged to be of full and operating force; together with the construction and usage under their respective articles, and so to continue; and that treaty is declared to be additional to, and to form a part of, the treaties already subsisting between the United States and the Cherokees. A like recognition of the continued force of former treaties, is also found in the second treaty concluded at *Tellico*, on the 25th October, 1805. Except then as they were modified by the stipulations of succeeding treaties, these earlier compacts continue in force at the present day. We may pass, therefore, to those treaties which relate to the emigration of the Cherokees to the lands west of the Mississippi, which give rise to your inquiry.

As early as in the fall of the year 1808, two deputations, the one from the upper, the other from the lower Cherokee towns, presented themselves at Washington, the first to declare to the President their desire to engage in the pursuits of agriculture and civilized life, in the country they then occupied; the second, to

make known to him their wish to continue the hunter life. The deputation from the upper towns, *requested from him the establishment of a division line* between the upper and lower towns, for the purpose, by thus contracting their society within narrow limits, of beginning the establishment of fixed laws and a regular government. Those from the lower towns alleged the scarcity of game where they then lived, and made known their wish to remove beyond the Mississippi river, on some vacant land of the United States. In the early part of the succeeding year, the President replied to these applications, expressing the willingness of the government, as far as could be reasonably asked, to satisfy the wishes of both; assuring to those who should remain, its patronage, aid, and good neighborhood; and giving ~~to~~ those who wished to remove, permission to examine the country on the Arkansas and White rivers, with a promise to exchange it for a just portion of that which they should leave. These transactions are in the same spirit which dictated the treaties to which we have referred. They are the applications of a dependent tribe, to a nation whose protection they invoked, and whose right to regulate their concerns they recognised. They are registered in the compact of 1817, which was entered into to give effect to them.

Among other provisions of that instrument, it stipulated for the payment by the United States 'to those emigrants, whose improvements should add *real* value to their lands, a full valuation for

the same, to be ascertained by a commissioner to be appointed by the President of the United States.' For all improvements which added real value to the lands ceded to the United States by that treaty, they agreed to pay in like manner, 'or, in lieu thereof to give in exchange improvements which the emigrants may leave, and for which they are to receive pay.' This compact moreover provided 'that all those improvements, left by the emigrants within the bounds of the Cherokee nation, east of the Mississippi river, which add real value to the lands, and for which the United States shall give a consideration, and not so exchanged, shall be rented to the Indians, &c, &c, until surrendered to the nation or by the nation.' It was also agreed, 'that the said Cherokee nation shall not be called upon for any part of the consideration paid for said improvements at any future period.'

The United States, by force of this treaty, and in consideration of the payments made in pursuance of it, became land-holders in the Cherokee nation, within the limits of those boundaries which were yet reserved to them as hunting grounds. They were authorized by this agreement to exchange the lands, the improvements on which they had paid for to the emigrants, and to make leases, through the agent, of such as they did not exchange. These exchanges and leases gave to the parties exchanging, and to the lessees the right of occupancy; and that was the utmost to which the Indian title amounted. Did

not the United States succeed to this title of occupancy? They had the right to designate who should occupy the lands on which the improvements were, for which they had paid to the emigrants, either by exchanging them with those who abandoned improved lands within the limits of the territory, ceded to them by that treaty, or by leasing them through the agent, to such persons as they might think proper.

For whom then did the United States acquire this right, whatever it was, to lands within the limits of a particular State? If it be answered *for themselves*, the inquiry is, by what authority could they acquire a title to such lands, without the consent of the State within whose limits they are? and again, were they not expressly bound by the articles of cession between the United States and Georgia, of the 24th April, 1802, to extinguish the Indian title '*for the use of Georgia*?' If extinguished, did not the right, whatever it was, which was acquired, instantly enure to the benefit of Georgia, as well because the United States had no right, without the consent of Georgia, to acquire donation within the limits of that state, as because she had solemnly stipulated, and for a valuable consideration paid by Georgia, that she would acquire this title for the use of that state? The Supreme Court have decided, in the case of *Johnson vs. McIntosh*, as we have seen, that the title to all the lands within their boundaries, notwithstanding the occupancy of the Indians, was in the United States, or in the several States. In *Fletcher and*

*Peck*, they have declared, with regard to lands lying within the limits of the state of Georgia, and occupied by the Indians, that the ultimate fee was in that State. The proprietor of the ultimate fee in the soil, must, it would seem, have the right to remove the incumbrances on that title; that is, in such a case as this, the right of pre-emption of the Indian title of occupancy. Whether this right is to be exercised independently, or under the supervision of the federal government, is a question which would depend on the terms and validity of what is commonly called the Indian intercourse act.

The practice had been variant, but in the most recent case of which I am advised, that of a conveyance by treaty to certain persons who had acquired by purchase the ultimate fee, which the state of New York originally held in certain lands in the occupancy of the Seneca tribe in that state, which treaty was held in the presence of a commissioner of the United States, and submitted by the President to the Senate, in the usual form, for their advice and consent; as to its ratification, that body refused its consent, and in an explanatory resolution, disclaimed 'the necessity of an interference by the Senate with the subject matter.'

It would seem, then that, if the Indian title to the lands, the improvements on which were paid for by the United States, was extinguished by the treaty of 1817, and the acts done in pursuance of that treaty, that the rights resulting to the United States must have been acquired for, and must

have enured to, the benefit of Georgia. Was the Indian title thus extinguished? We must keep in mind the nature of that title; that it was a right of occupancy merely, to be exercised according to the usages of the tribe. Then we are to consider, that, by the terms of that treaty, and the payment of the valuation money stipulated for the improvements, the United States acquired the right to designate the occupants of those lands; to exercise the power of exchanging and leasing them; and that they were thus withdrawn from the dominion of the tribe. Were these rights, thus acquired by the United States, manifestly inconsistent with the continued exercise by the Indians of their original right of occupancy? *Quoad* these lands, was not that right necessarily extinguished and gone?

By the fifth article of the treaty of 1819, between the same parties, it is stipulated that the leases made in pursuance of the preceding treaty, should be void, and the United States agree to remove intruders on the lands reserved for the Cherokees; but this stipulation, it is believed, did not affect the rights acquired by the United States by that treaty, nor is it considered that the term *intruders* could be applicable to the lessees of the United States, if any such there were, who had entered by virtue of leases made in pursuance of that treaty, so long as those leases continued in force. It was not, I think, intended by the United States to relinquish the rights, which they had acquired, and paid for, under the

treaty of 1817, and which, by force of the articles of cession with Georgia, if for no other cause, enured to the benefit of that state.

I pass then to the treaty of 1828, concluded with the Cherokees west of the Mississippi, in which it is stipulated; that, to every Cherokee yet within the limits of the States, who may emigrate therefrom, and join his brethren west of the Mississippi, the United States will make 'a just compensation for the property he may abandon, to be assessed by persons to be appointed by the President of the United States.' The term 'property which he may abandon,' seems to me to relate to his *fixed property*—that which he could not take with him; in a word, the land and improvements which he has occupied. On payment for these, the United States would, I think, acquire rights which would be inconsistent with the continuance of the right of occupancy theretofore existing in the tribe, and whatever right was thus acquired by the United States, would, in the terms of the articles of cession before referred to, enure to the benefit of Georgia. The principle which is embraced in the first of these propositions, is recognised by the treaty of 1817; and although the claims acquired under that treaty were adjusted and settled by the compact of 1817, yet the United States were, I apprehend, free to apply the same principle to future acquisitions, made with the assent of the particular occupants. To have relinquished the right so to

apply it, would have been to abandon the policy by which, both before and since, they have endeavored to promote the emigration of the tribes dwelling within that State; of which abandonment the result would be, that when even a majority of any tribe had been gradually withdrawn, and had received from the United States compensation for their respective claims, the remnant, however small, would extend their title of occupancy over all the lands lying within the limits originally allotted to the whole tribe. Such, at least since the year 1808, seems not to have been the understanding, either of this government, or of the particular tribe whose rights are involved in this inquiry.

I am, respectfully sir, your obed't serv't.

JN. MACPHERSON BERRIEN.

HON. JOHN H. EATON,  
*Department of War.*

### *Memorial of the Cherokee Nation of Indians.*

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled.

We, the undersigned, representatives of the Cherokee nation, beg leave to present before your honorable bodies a subject of the deepest interest to our nation, as involving the most sacred rights and privileges of the Cherokee people. The legislature of Georgia, during its late session, passed an act to add a large portion of our territory to that state, and to extend her jurisdiction over the same, and declaring 'all laws and usages, made and enforced in said territory by the Indians, to be null

and void after the 1st of June, 1830. No Indian, or descendant of an Indian, to be a competent witness, or a party to any suit to which a white man is a party.' This act involves a question of great magnitude and of serious import, and which calls for the deliberation and decision of Congress. It is a question upon which the salvation and happiness or the misery and destruction of a nation depend, therefore it should not be trifled with. The anxious solicitude of Georgia to obtain our lands through the United States by treaty was known to us, and after having accommodated her desires (with that of other States bordering on our territory) by repeated cessions of lands, until no more can be reasonably spared, it was not conceived, much less believed that a *State*, proud of *liberty*, and tenacious of the *rights of man*, would condescend to have placed herself before the world, in the imposing attitude of a usurper of the most sacred rights and privileges of a weak, defenceless, and innocent nation of people, who are in perfect peace with the United States, and to whom the faith of the United States is solemnly pledged to protect and defend them against the encroachments of their citizens.

In acknowledgment for the protection of the United States and the consideration of guaranteeing to our nation forever the security of our lands, &c, the Cherokee nation ceded by treaty a large tract of country to the United States, and stipulated that the said Cherokee nation 'will not hold any treaty with any *foreign power*, *individual state*, or with

*individuals of any state.*' These stipulations on our part have been faithfully observed, and ever shall be.

The right of regulating our own internal affairs, is a right which we have inherited from the author of our existence, which we have always exercised, and have never surrendered. Our nation had no voice in the formation of the federal compact between the States; and if the United States have involved themselves by an agreement with Georgia, relative to the purchase of our lands, and have failed to comply with it in the strictest letter of their compact, it is a matter to be adjusted between themselves; and on no principle of justice can an innocent people, who were in no way a party to that compact, be held responsible for its fulfilment: consequently they should not be oppressed, in direct violation of the solemn obligations pledged by treaties for their protection.

It is with pain and deep regret we have witnessed the various plans which have been advised within a few years past by some of the officers of the General Government, and the measures adopted by Congress in conformity to those plans, with the view of effecting the removal of our nation beyond the Mississippi, for the purpose, as has been expressed, to promote our interest and permanent happiness, and save us from the impending fate which has swept others into oblivion. Without presuming to doubt the sincerity and good intentions of the advocates of this plan, we, as the descendants of the Indian race, and possessing both the feelings

of the Indian and the white man, cannot but believe that this system to perpetuate our happiness, is visionary, and that the anticipated blessings can never be realized. The history of the prosperous and improving condition of our people in the arts of civilized life and Christianization, is before the world, and not unknown to you. The causes which have produced this great change and state of things, are to be traced from the *virtue, honor, and wisdom*, in the policy of the administration of the great Washington—the Congress of the United States and the American people; the relationship and intercourse established by treaties, and *our location* in the immediate neighborhood of a civilized community—and withal occupying a country remarkable for its genial and salubrious climate; affording abundance of good water, timber, and a proportionate share of good lands for cultivation. If, under all these advantages, the permanent prosperity and happiness of the Cherokee people cannot be realized, they never can be realized under any other location within the limits of the United States.

We cannot but believe, that, if the same zeal and exertion were to be used by the General Government and the state of Georgia, to effect a mutual compromise in the adjustment of their compact, as has been, and is now using to effect our removal, it could be done to the satisfaction of the people of Georgia, and without any sacrifice to the United States. We should be wanting in liberal and charitable feelings were we to doubt the

virtue and magnanimity of the people of Georgia, and we do believe that there are men in that state whose moral and religious worth stands forth inferior to none within the United States. Why, then, should the power that framed the constitution of Georgia, and made the compact with the United States, be not exercised for the honor of the country, and the peace, happiness, and preservation of a people, who were the original proprietors of a large portion of the country now in the possession of that State? And whose title to the soil they now occupy, is lost in the ages of antiquity; whose interests are becoming identified with those of the United States, and whose call they are ever ready to obey in the hour of danger.

In the treaty made with the Cherokees west of the Mississippi, in May last, an article was inserted with the view of inducing our citizens to emigrate, which we cannot but view as an unprecedented policy in the General Government; and while we admit the liberty of the Cherokees as freemen to exercise their own choice in removing where they may think proper, we cannot admit the right of the Cherokees west of the Mississippi more than any other nation, to enter into a treaty with the United States to affect our national rights and privileges in any respect whatever, and against which we would most solemnly protest. It is with no little surprise that we have seen in a document printed for the use of Congress, connected with the subject of Indian emigration, the following

statements: 'from the ascertained feelings of *the chiefs of the southern Indians*, there is *a fixed purpose, by threats or otherwise, to keep their people from emigrating.*' Again, '*there is no doubt but these people fear their chiefs, and on that account keep back.*' If we are to understand that these remarks were intended to apply to the people and chiefs of our nation, we do not hesitate in saying, that the informant betrays either an entire ignorance on the subject, or a wanton disposition to misrepresent facts. The chiefs of our nation are the immediate representatives of the people, by whose voice they are elected; and with equal propriety it may be said, that the people of the United States are afraid of their representatives in Congress, and other public officers of the government.

We cannot admit that Georgia has the right to extend her jurisdiction over our territory, nor are the Cherokee people prepared to submit to her persecuting edict. We would therefore respectfully and solemnly protest, in behalf of the Cherokee nation, before your honorable bodies, against the extension of the laws of Georgia over any part of our territory, and appeal to the United States' government for justice and protection. The great Washington advised a plan and afforded aid for the general improvement of our nation, in agriculture, science, and government. President Jefferson followed the noble example, and concluded an address to our delegation, in language as follows: 'I sincerely wish you may succeed in your laudable endeavors to save

the remnant of your nation, by adopting industrious occupations and a government of regular law. *In this you may always rely on the counsel and assistance of the United States.*' This kind and generous policy to meliorate our condition, has been blessed with the happiest results; our improvement has been without a parallel in the history of all Indian nations. Agriculture is everywhere pursued, and the interests of our citizens are permanent in the soil. We have enjoyed the blessings of Christian instruction; the advantages of education and merit are justly appreciated; a government of regular law has been adopted, and the nation, under a continuance of the fostering care of the United States, will stand forth as a living testimony, that all Indian nations are not doomed to the fate which has swept many from the face of the earth. Under the parental protection of the United States, we have arrived at the present degree of improvement, and they are now to decide whether we shall continue as a people, or be abandoned to destruction.

In behalf, and under the authority of the Cherokee nation, this protest and memorial is respectfully submitted.

JNO. ROSS.

R. TAYLOR.

EDWARD GUNTER.

WILLIAM S. COODY.

Washington City, Feb. 27, 1829.

#### CHEROKEE ADDRESS.

*Address of the Committee and Council of the Cherokee Nation, in General Council convened, to the people of the United States.*

Some months ago a delegation

was appointed by the constituted authorities of the Cherokee nation to repair to the city of Washington, and in behalf of this nation, to lay before the government of the United States such representations as should seem most likely to secure to us, as a people, that protection, aid, and good neighborhood, which had been so often promised to us, and of which we stand in great need. Soon after their arrival in the city they presented to Congress a petition from our national council, asking for the interposition of that body in our behalf, especially with reference to the laws of Georgia; which were suspended in a most terrifying manner over a large part of our population, and protesting in the most decided terms against the operation of these laws. In the course of the winter they presented petitions to Congress, signed by more than four thousand of our citizens, including probably more than nineteen-twentieths, and for aught we can tell, ninety-nine-hundredths, of the adult males of the nation, (our whole population being about sixteen thousand), pleading with the assembled representatives of the American people, that the solemn engagements between their fathers and our fathers may be preserved, as they have been till recently, in full force and continued operation; asking, in a word, for protection against threatened usurpation and for a faithful execution of a guarantee which is perfectly plain in its meaning, has been repeatedly and rigidly enforced in our favor, and has received the sanction of the gov-

ernment of the United States for nearly forty years.

More than a year ago we were officially given to understand by the secretary of war, that the president could not protect us against the laws of Georgia. This information was entirely unexpected; as it went upon the principle, that treaties made between the United States and the Cherokee nation have no power to withstand the legislation of separate States; and of course, that they have no efficacy whatever, but leave our people to the mercy of the neighboring whites, whose supposed interests would be promoted by our expulsion, or extermination. It would be impossible to describe the sorrow, which affected our minds on learning that the chief magistrate of the United States had come to this conclusion, that all his illustrious predecessors had held intercourse with us on principles which could not be sustained; that they had made promises of vital importance to us, which could not be fulfilled — promises made hundreds of times in almost every conceivable manner, — often in the form of solemn treaties, sometimes in letters written by the chief magistrate with his own hand, very often in letters written by the secretary of war under his direction, sometimes orally by the president and the secretary to our chiefs, and frequently and always, both orally and in writing by the agent of the United States residing among us, whose most important business it was, to see the guarantee of the United States faithfully executed.

Soon after the war of the revo-



lution, as we have learned from our fathers, the Cherokees looked upon the promises of the whites with great distrust and suspicion; but the frank and magnanimous conduct of Gen. Washington did much to allay these feelings. The perseverance of successive presidents, and especially of Mr Jefferson, in the same course of policy, and in the constant assurance that our country should remain inviolate, except so far as we voluntarily ceded it, nearly banished anxiety in regard to encroachments from the whites. To this result the aid which we received from the United States in the attempts of our people to become civilized, and the kind efforts of benevolent societies have greatly contributed. Of late years, however, much solicitude was occasioned among our people by the claims of Georgia. This solicitude arose from an apprehension, that by extreme importunity, threats, and other undue influence, a treaty would be made, which should cede the territory, and thus compel the inhabitants to remove. But it never occurred to us for a moment, that without any new treaty, without any assent of our rulers and people, without even a pretended compact, and against our vehement and unanimous protestations, we should be delivered over to the discretion of those, who had declared by a legislative act, that they wanted the Cherokee lands and would have them.

Finding that relief could not be obtained from the chief magistrate, and not doubting that our claim to protection was just, we made our application to Congress. During four long months our dele-

gation waited, at the doors of the National Legislature of the United States, and the people at home, in the most painful suspense, to learn in what manner our application would be answered; and, now that Congress has adjourned, on the very day before the date fixed by Georgia for the extension of her oppressive laws over the greater part of our country, the distressing intelligence has been received that we have received no answer at all; and no department of the government has assured us, that we are to receive the desired protection. But just at the close of the session, an act was passed, by which a half a million of dollars was appropriated towards effecting a removal of Indians; and we have great reason to fear that the influence of this act will be brought to bear most injuriously upon us. The passage of this act was certainly understood by the representatives of Georgia as abandoning us to the oppressive and cruel measures of the State, and as sanctioning the opinion that treaties with Indians do not restrain State legislation. We are informed by those, who are competent to judge, that the recent act does not admit of such construction; but that the passage of it, under the actual circumstances of the controversy, will be considered as sanctioning the pretensions of Georgia, there is too much reason to fear.

Thus have we realized, with heavy hearts, that our supplication has not been heard; that the protection heretofore experienced is now to be withheld; that the guarantee, in consequence of which our fathers laid aside their

arms and ceded the best portions of their country, means nothing ; and that we must either emigrate to an unknown region and leave the pleasant land to which we have the strongest attachment, or submit to the legislation of a State, which has already made our people outlaws, and enacted that any Cherokee, who shall endeavor to prevent the selling of his country, shall be imprisoned in the penitentiary of Georgia not less than four years. To our countrymen, this has been melancholy intelligence, and with the most bitter disappointment has it been received.

But in the midst of our sorrows, we do not forget our obligations to our friends and benefactors. It was with sensations of inexpressible joy, that we have learned, that the voice of thousands, in many parts of the United States, has been raised in our behalf, and numerous memorials offered in our favor, in both houses of Congress. To those numerous friends, who have thus sympathized with us in our low estate, we tender our grateful acknowledgments. In pleading our cause, they have pleaded the cause of the poor and defenceless throughout the world. Our special thanks are due, however, to those honorable men, who so ably and eloquently asserted our rights, in both branches of the National Legislature. Their efforts will be appreciated wherever the merits of this question shall be known ; and we cannot but think, that they have secured for themselves a permanent reputation among the disinterested advocates of humanity, equal rights,

justice, and good faith. We even cherish the hope, that these efforts, seconded and followed by others of a similar character, will yet be available, so far as to mitigate our sufferings, if not to effect our entire deliverance.

Before we close this address, permit us to state what we conceive to be our relations with the United States. After the peace of 1763, the Cherokees were an independent people ; absolutely so, as much as any people on earth. They had been allies to Great Britain, and as a faithful ally took a part in the colonial war on her side. They had placed themselves under her protection, and had they, without cause, declared hostility against their protector, and had the colonies been subdued, what might not have been their fate ? But her power on this continent was broken. She acknowledged the independence of the United States, and made peace. The Cherokees therefore stood alone ; and in these circumstances, continued the war. They were then under no obligations to the United States any more than to Great Britain, France or Spain. The United States never subjugated the Cherokees ; on the contrary, our fathers remained in possession of their country, and with arms in their hands.

The people of the United States sought a peace ; and, in 1785, the treaty of Hopewell was formed, by which the Cherokees came under the protection of the United States, and submitted to such limitations of sovereignty as are mentioned in that instrument. None of these limitations, howev-

er, affected, in the slightest degree, their rights of self-government and inviolate territory. The citizens of the United States had no right of passage through the Cherokee country till the year 1791, and then only in one direction, and by an express treaty stipulation. When the federal constitution was adopted, the treaty of Hopewell was confirmed, with all other treaties, as the supreme law of the land. In 1791, the treaty of Holston was made, by which the sovereignty of the Cherokees was qualified as follows: The Cherokees acknowledged themselves to be under the protection of the United States, and of no other sovereign.— They engaged that they would not hold any treaty with a foreign power, with any separate State of the Union, or with individuals. They agreed that the United States should have the exclusive right of regulating their trade; that the citizens of the United States should have a right of way in one direction through the Cherokee country: and that if an Indian should do injury to a citizen of the United States he should be delivered up to be tried and punished. A cession of lands was also made to the United States. On the other hand, the United States paid a sum of money; offered protection; engaged to punish citizens of the United States who should do any injury to the Cherokees; abandoned white settlers on Cherokee lands to the discretion of the Cherokees; stipulated that white men should not hunt on these lands, nor even enter the country without a passport; and gave a

solemn guarantee of all Cherokee lands not ceded.— This treaty is the basis of all subsequent compacts; and in none of them are the relations of the parties at all changed.

The Cherokees have always fulfilled their engagements. They have never reclaimed those portions of sovereignty which they surrendered by the treaties of Hopewell and Holston. These portions were surrendered for the purpose of obtaining the guarantee which was recommended to them as the great equivalent. Had they refused to comply with their engagements, there is no doubt the United States would have enforced a compliance. Is the duty of fulfilling engagements on the other side less binding than it would be, if the Cherokees had the power of enforcing their just claims?

The people of the United States will have the fairness to reflect, that all the treaties between them and the Cherokees were made, at the solicitation, and for the benefit, of the whites; that valuable considerations were given for every stipulation, on the part of the United States; that it is impossible to reinstate the parties in their former situation, that there are now hundreds of thousands of citizens of the United States residing upon lands ceded by the Cherokees in these very treaties; and that our people have trusted their country to the guarantee of the United States. If this guarantee fails them, in what can they trust, and where can they look for protection?

We are aware, that some persons suppose it will be for our ad-

vantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise. Thinking that it would be fatal to their interest, they have almost to a man sent their memorial to Congress, deprecating the necessity of a removal. This question was distinctly before their minds when they signed their memorial. •Not an adult person can be found, who has not an opinion on the subject, and if the people were to understand distinctly, that they could be protected against the laws of the neighboring States, there is probably not an adult person in the nation, who would think it best to remove; though possibly a few might emigrate individually. There are doubtless many, who would flee to an unknown country, however beset with dangers, privations and sufferings, rather than be sentenced to spend six years in a Georgia prison for advising one of their neighbors not to betray his country. And there are others who could not think of living as outlaws in their native land, exposed to numberless vexations, and excluded from being parties or witnesses in a court of justice. It is incredible that Georgia should ever have enacted the oppressive laws to which reference is here made, unless she had supposed that something extremely terrific in its character was necessary in order to make the Cherokees willing to remove. We are not willing to remove; and if we could be brought to this extremity, it would be not by argument; not because our judgment was satisfied, not because our condition will be improved;

but only because we cannot endure to be deprived of our national and individual rights and subjected to a process of intolerable oppression.

We wish to remain on the land of our fathers. We have a perfect and original right to remain without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guaranty our residence, and our privileges and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed.

But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us. From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it has been assigned. They would regard us as intruders, and look upon us with an evil eye. The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practise different customs. The original possessors of that region are now wandering savages, lurking for prey in the neighborhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. Were the country to which we are urged much better,

than it is represented to be, and were it free from the objections which we have made to it, still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

The removal of families to a new country, even under the most favorable auspices, and when the spirits are sustained by pleasing visions of the future, is attended with much depression of mind and sinking of heart. This is the case, when the removal is a matter of decided preference, and when the persons concerned are in early youth or vigorous manhood. Judge, then, what must be the circumstances of a removal, when a whole community, embracing persons of all classes and every description, from the infant to the man of extreme old age, the sick, the blind, the lame, — the improvident, the reckless, the desperate, as well as the prudent, the considerate, the industrious, are compelled to remove by odious and intolerable vexations, and persecutions, brought upon them in the forms of law, when all will agree only in this, that they have been cruelly robbed of their country, in violation of the most solemn compacts, which it is possible for communities to form with each other; and that, if they should make themselves comfortable in their new residence, they have nothing to expect hereafter but to be the victims of a future legalized robbery!

Such we deem, and are absolutely certain, will be the feelings of the whole Cherokee people, if they are forcibly compelled, by the laws of Georgia, to remove;

and with these feelings, how is it possible that we should pursue our present course of improvement, or avoid sinking into utter despondency? We have been called a poor, ignorant, and degraded people. We certainly are not rich; nor have we ever boasted of our knowledge, or our moral or intellectual elevation. But there is not a man within our limits so ignorant as not to know that he has a right to live on the land of his fathers, in the possession of his immemorial privileges, and that this right has been acknowledged and guaranteed by the United States; nor is there a man so degraded as not to feel a keen sense of injury, on being deprived of this right and driven into exile.

It is under a sense of the most pungent feelings that we make this, perhaps our last appeal to the good people of the United States. It cannot be that the community we are addressing, remarkable for its intelligence and religious sensibilities, and pre-eminent for its devotion to the rights of man, will lay aside this appeal, without considering that we stand in need of its sympathy and commiseration. We know that to the Christian and the philanthropist the voice of our multiplied sorrows and fiery trials will not appear as an idle tale. In our own land, on our own soil, and in our own dwellings, which we reared for our wives and for our little ones, when there was peace on our mountains and in our valleys, we are encountering troubles which cannot but try our very souls. But shall we, on account of these troubles, forsake our beloved country? Shall we be compelled by a civilized and

Christian people, with whom we have lived in perfect peace for the last forty years, and for whom we have willingly bled in war, to bid a final adieu to our homes, our farms, our streams and our beautiful forests? No. We are still firm. We intend still to cling, with our wonted affection, to the land which gave us birth, and which, every day of our lives, brings to us new and stronger ties of attachment. We appeal to the judge of all the earth, who will finally award us justice, and to the good sense of the American people, whether we are intruders upon the land of others. Our consciences bear us witness that we are the invaders of no man's rights — we have robbed no man of his territory — we have usurped no man's authority, nor have we deprived any one of his unalienable privileges. How then shall we indirectly confess the right of another people to our land by leaving it forever? On the soil which contains the ashes of our beloved men we wish to live — on this soil we wish to die.

We intreat those to whom the foregoing paragraphs are addressed, to remember the great law of love. 'Do to others as ye would that others should do to you.' — Let them remember that of all nations on the earth, they are under the greatest obligation to obey this law. We pray them to remember that, for the sake of principle, their forefathers were *compelled* to leave, therefore, *driven* from the old world, and that the winds of persecution wafted them

over the great waters and landed them on the shores of the new world, when the Indian was the sole lord and proprietor of these extensive domains. — Let them remember in what way they were received by the savage of America, when power was in his hand, and his ferocity could not be restrained by any human arm. We urge them to bear in mind, that those who would now ask of them a cup of cold water, and a spot of earth, a portion of their own patrimonial possessions, on which to live and die in peace, are the descendants of those, whose origin, as inhabitants of North America, history and tradition are alike insufficient to reveal. Let them bring to remembrance all these facts, and they *cannot*, and *will* not fail to remember and sympathize with us in these our trials and sufferings.

LEWIS ROSS,  
*Pres. Com.*

James Daniel,	George Sanders,
Jos. Vann,	Daniel Griffin, Jun.
David Vann,	James Hamilton,
Edward Gunter,	Alex. McDaniel,
Richard Taylor,	Thos. Foreman,
John Baldridge,	John Timson.
Samuel Ward,	

W. S. COODY, *Clerk*  
GOING SNAKE,  
*Speaker of the Council*

James Bigby,	J. R. Daniel,
Deer-in-the-water,	Slim Fellow,
Charles Reese,	Situake,
Sleeping Rabbit,	De-gah-le-lu-ge,
Chu-nu-gee,	Robbin,
Bark,	Tah-lah-doo,
Laugh-at-mush,	Nah-hoo-lah,
Chuleowah,	White Path,
Turtle,	Ne-gah-we,
Walking Stick,	Dah-ye-ske.
Moses Parris,	

JOHN RIDGE,  
*Clerk of the Council*

New Echota, C. N. July 17, 1830.

Department of War, }  
Office of Indian Affairs, June 6, 1830. }

SIR — I am directed by the Secretary of War, to inform you that the President has concluded it proper to suspend the present mode of enrolling and sending off emigrants in small parties as heretofore. The removal of the Cherokees and other advantages which would result to them from it, are so obvious, and have been so often explained, as to need no further efforts to make it better understood, at least in the way in which it has been done in the past. If they, as a people, think it for their interest to remain in the States within whose limits they are, and be subject to the laws of those States, the consequences, whatever they may be, following their own choice, will be chargeable to nobody but themselves; but it is made your special duty to inform the Cherokees, not their chiefs only but the people, and in such mode as you may think proper to adopt, which shall be most likely to make the information general, that the President, having no power to interfere, and oppose the exercise of the sovereignty of any State, over and upon all who may be within the limits of any State, they will prepare themselves to abide the issue of such new relations without any hope that he will interfere. But assure them, at the same time, that such power as the laws give him for their protection, shall be executed for their benefit, and this will not fail to be exercised in keeping out intruders. Beyond this he cannot go. It is important there should be no misunderstanding

on the subject. Intruders will be kept out; but the States will not be interfered with, by the President, in exercising their laws over them. Such, therefore, as will be satisfied to remain under the State laws, will, if they choose, remain; others who prefer to remove can do so, and these will be supported by the Government in their removal, free of any expense to them, and have a full, and just value paid for such improvements as they may leave, that add real value to the soil, and be maintained for one year after their arrival in the West, by which time they will have prepared by opening farms and otherwise, for the support of themselves and families. You can further say to them, if they are disposed to treat with the General Government, that liberal terms will be extended to them; their limits beyond the Mississippi shall be enlarged, and all things done for their protection, and guidance, and improvement, which the President may have the power to do. Their limits in the West shall be surveyed and marked, so as to avoid any difficulty arising out of a confusion of lines, between them and neighboring tribes. .

This suspension of present operations is designed to afford the Cherokees an opportunity to ponder in their present situation; and to deliberate, calmly, as to what is best for them to do. The President is their friend. He seeks not to oppress, or deceive them. He feels for them as a father feels for his children, and is deeply solicitous for their welfare. It is probable that in the

fall, or the spring following, they may be prepared to act with intelligence in this great matter. The President wishes the Cherokees to be fully informed upon all the points connected with their pending and future relations. He will not 'deceive them; and he wishes that no misunderstanding should exist, as between the Cherokees and himself, or between them and you. Speak to them as their friend, and with all the sincerity of a friend. Use no threats, exercise no unkindness. If they stay, it will be of their own free will, if they remove, it will be of their own free will also. There will be employed no force, any way, but the force of reason and parental counsel, unless it shall be to protect them in removing.

When the Cherokees shall have finally determined what course they will pursue, you will inform the Department. If the whole, or the greater body of the nation determine to remove, the President will send to them a confidential commissioner, who will receive a delegation at some convenient place, and one that will be most agreeable to them.

The President or Secretary of War will probably visit Tennessee, in all this month; they will have

reached Nashville by the 20th or 30th July. If the chiefs or principal men of the nation desire to see the President, upon the important matters which concern them, he will gladly see them in person, there. But if they cannot go willingly and prepared with *full powers* to make a treaty for a removal, it will not be necessary for them to go, since, in that way, only, can he assist them, promote their welfare, and establish their future prosperity. If the chiefs shall come with this determination all their necessary expenses will be borne.

You will discontinue the agency of Messrs Bridges and Hunter; after they shall have valued what improvements may remain to be valued, and those of the issuing agent, after the supplies are disposed of to such Indians as may be in *transitu*, and after you shall have disposed, to the best advantage, of what supplies, and other matters may remain on hand; and have their accounts, and all other accounts brought to a close immediately, and forward them to the Department.

Very respectfully, your obedient servant,

(Signed)

THO'S. L. MCKENNEY.

To Col. HUGH MONTGOMERY,  
Cherokee agent, Calhoun, Tenn.



## II.—FOREIGN.

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### MEXICO.

#### *The Message of President Guerrero to the Congress of Mexico.*

**MEXICANS:** Today the Chambers of the union have assembled, to continue their constitutional march, which had been suspended by their own authority. — Also, the General Government has relinquished the extraordinary powers with which it was invested — the increase of which was never pleasant — which were admitted only by imperious necessity, and which it is believed, have been productive of good.

Consequently, the motives which influenced the division of reserve in making their declaration, have totally vanished. If they are true men, and not pretenders, they ought to renounce every revolutionary movement, — which can produce no other effects to the nation, than a succession of incalculable evils. You already have had too much experience what revolutions are, and what effects they produce, not to have your attention turned with anxiety to those who create them. The government is deeply penetrated with this important truth; and in order to consult, without delay, the public peace and tranquillity, which is paramount to all other considerations, the step has

been taken which I have just announced.

*Mexicans!* — Everything has been done by the General Government which could be done, for the preservation of tranquillity. It is presumed that the same will be the case with the States; and that through the good sense and subordination of the citizens, each one will lend his aid to this object, in which the general good, as well as that of individuals, is so deeply interested.

*Soldiers!* You know what is the rigor of military subordination; you know how far it is from your duty, to dictate laws to the sovereign nation, unauthorized by that nation; and how strange in the ear of the laws, is the danger of arms. Pause and reflect on the solemn responsibility which you incur before the nation, in respect to the evils which may happen if you renounce the path in which you ought to go. Do not deceive yourselves with false hopes of bettering your condition, through the promptness and punctuality with which relief will be furnished. No: the nation will be ruined by civil war, and a new revolution will reduce to

nothing the resources which are negotiating for your benefit, and which prove that your necessities will receive attention, provided the public order is sustained.

*Sovereign States of the Mexican Federation!* The preservation of the systems demand your full co-operation.

VICENTE GUERRERO.

Mexico, Dec. 11, 1829.

### *Abolition of Slavery.*

The President of the Mexican United States to the inhabitants of the Republic, *greeting* :

Desiring to signalize in the year 1829 the anniversary of our independence by an act of national justice and beneficence that may turn to the advancement and support of so important a result; that may consolidate more and more public tranquillity; that may co-operate to the aggrandizement of the republic, and return to an unfortunate portion of its inhabitants, those rights which they hold from nature, and that the people protect by wise and equitable laws, in conformity with the 30th Article of the constitutional act.

• Making use of the extraordinary faculties which have been granted to the Executive, I thus decree :

1. Slavery is forever abolished in the Republic.

2. Consequently all those individuals who until this day looked upon themselves as slaves, are free.

When the financial situation of the Republic admits, the proprietors of slaves shall be indemnified, and the indemnification regulated by law.

And in order that the present

decree may have its full and entire execution, I order it to be printed, published and circulated to all those whose obligation is to have it fulfilled.

Given in the federal palace of Mexico, on the 15th of September, 1829.

VICENTE GUERRERO,  
LAURENZO DE ZAVALA.

### *Décret of the General Congress of the 6th April, 1830.*

ART. 1. The importation into the ports of the Republic of cotton goods is prohibited by the law of May 22d, of the past year, till the 1st of January, 1831, and by the southern ports till the end of June of that year.

2. The duties on such articles shall be appropriated to support the integrity of the Mexican territory, to form the reserve fund to serve in case of a Spanish invasion, and to foment the national industry in cotton manufacture.

3. The Government shall have power to appoint one or more commissioners, to visit the colonies in the frontier States, and contract with their Legislatures, purchase in favor of the Federation such lands as they may consider proper and sufficient to establish colonies of Mexican and other nations, to make such arrangements with the colonies already established as they may consider proper for the security of the Republic, to watch over the entrance of new colonists, and the exact fulfilment of their contracts, and examine how far those already formed have been executed.

4. The Executive shall have

power to take the lands he may consider proper for fortifications or arsenals, and for new colonies, indemnifying the States for their value on account of their debts to the Federation.

5. The Government may transport such persons as they may consider useful to the colonies, out of the garrisons destined for Vera Cruz and other places, paying the expenses of the families which may wish to accompany them.

6. The garrisons shall be employed in the construction of the fortifications, towns and roads which the commissioners shall consider necessary; and when the appointed time shall have expired, if they shall wish to remain as colonists, lands and instruments of industry shall be given to them, provisions being allowed for the first year.

7. Mexican families which may wish to colonize, shall be aided on their journey, maintained for a year, and receive land and other things necessary for labor.

8. Individuals referred to in the preceding articles, shall submit to the Colonization Laws of the Federation and the respective States.

9. On the northern frontier the entrance of foreigners shall be prohibited, under all pretexts whatever, unless they be furnished with passports signed by the agents of the Republic at the places whence they proceed.

10. There shall be no variation with regard to the colonies already established; nor with regard to the slaves that may be in them; but the General Government or

the particular State Government shall take care, under the strictest responsibility, that the Colonization Laws be obeyed, and that no more slaves be introduced.

11. In use of the power reserved by the General Congress in the seventh article of the law of August 18th, 1824, it is prohibited to neighboring nations to settle in those States and Territories of the Federation which border on their nations. Consistently contracts which have not been executed, and are opposed to that law, shall be superseded.

12. The coasting trade shall be free to foreigners for the space of four years, for the purpose of introducing articles for the colonies to Matamoros, Tampico, and Vera Cruz.

13. The free importation of wooden houses and all sorts of foreign provisions is permitted without duty, at the ports of Galveston and Matagorda, for the term of two years.

14. The Government is authorized to expend to the amount of \$500,000 for the construction of fortifications and towns on the frontiers, the transportation of garrisons and Mexican families to them, their support for a year, articles useful in labor, charges for commission, the marching of troops, premiums to agriculturists, who may distinguish themselves amongst the colonists, and all other means of encouragement and security intended in the preceding sections.

15. In order to a prompt distribution of the above sum, the Government may negotiate, on the duties on common cotton goods, a loan at a premium of a

third per cent per month, payable on maturity of the periods fixed by the Tariffs.

16. The twentieth part of the above-mentioned duties shall be employed in encouraging the manufacture of cotton, purchasing machines and looms, assigning small sums for their preparation, and for all other objects which the Government may consider convenient; and the Government shall divide these sums in the State where manufacture is carried on, placing them at the disposition of the minister of relations, to apply them to the important objects.

17. Three hundred thousand dollars of the product of the aforesaid duties shall also be applied to the formation of a fund to be deposited in the treasury, under the strictest responsibility of the Government, which shall be authorized to apply it only in case of a Spanish invasion.

18. The Government shall arrange the plan of the new colonies, and present to the Chambers, within one year, an account of the receipts and expenditures under this law, and shall report the increase and conditions of the new towns on the frontiers.

## COLOMBIA.

### *The Liberator to the Colombians.*

COLOMBIANS! This day I cease to command you. I have served you in quality of a soldier and a magistrate. In that long period we have re-conquered the country, liberated three republics, and suppressed many civil wars; and four times I have restored to the people their omnipotence, by spontaneously assembling four Constituent Congresses. These services were due to your valor and patriotism — the glory of having directed them to me. The Constituent Congress which has been this day installed, finds itself entrusted by Providence with giving to the nation the institutions it desires, by following the course of circumstances and the nature of things. • •

Fearing I might be considered as an obstacle in placing the re-

public on the basis of its happiness, I have thrown myself from the lofty magistracy, to which your bounty has raised me. Colombians! I have been the victim of ignominious suspicions, without having the power to defend the purity of my principles. The same persons who have aspired to the supreme command, have endeavored to tear me from your hearts, by attributing their own sentiments to me, by making me appear the author of projects they have conceived, and by representing me as aspiring at a crown which they have offered me more than once, and which I have rejected with the indignation of the proudest republican. Never, never, I swear to you, has my mind been stained by ambition for a kingdom, which my enemies have

artfully forged to destroy me in your opinions.

Undeceive yourselves, Colombians! my only wish has been to contribute to your liberty, and the preservation of your repose; if for this I have been blame-worthy, I more than any one else merit your indignation. Do not listen, I beseech you, to the vile calumny, and the base covetousness for which discord is excited on every side. Will you allow yourselves to be blinded by the imposture of my detractors? You are not so senseless!

Colombians! Approach the Constituent Congress. It is the national wisdom, the legitimate hope of the people, and the last point of meeting for patriots. On its sovereign decrees depend our lives, the happiness of the republic, and the glory of Colombia. If you are fatally torn away and abandon it, there is no other safety for the country, and you will sink in the ocean of anarchy, leaving, as an inheritance to your children, crime, blood and death.

Countrymen! Hear my last words, on terminating my political career—in the name of Colombia, I beg you, I beseech you to continue united, lest you should become the assassins of the country, and your executioners.

BOLIVAR.

Bogota, Jan. 2, 1830.

*Message of the Liberator, to the Constituent Congress.*

FELLOW CITIZENS: Permit me to congratulate you on the meeting of Congress, which in the name of the Nation, is to discharge the sublime duties of legislation.

Arduous and great is the work of organizing a people which has escaped from oppression by means of anarchy and civil war, without being previously prepared to receive the salutary reform to which they aspire. But the teachings of history, the examples of the Old World and the New, the experience of twenty years of revolution, will serve as so many lights placed in the darkness of the future; and I flatter myself that your good sense will be able to overrule the passions of some and the ignorance of others,—duly consulting the enlightened reason of judicious men, whose opinions are a valuable aid in solving questions of political wisdom. Moreover, you will derive important counsels from the very nature of our country, which embraces the lofty regions of the Andes, and the burning shores of the Orinoco. Examine it in all its extent and you will learn from it what the Congress ought to ordain, in order to promote the happiness of the Colombians. Our own history will tell you much; our necessities much; but most persuasive of all will be our lamentations for the absence of domestic quiet and established freedom.

Happy Congress, if it shall secure to Colombia the enjoyment of these inestimable blessings, by which it will merit the purest benedictions.

Congress being convoked to form a fundamental Code for the regulation of the Republic, and to appoint the high functionaries who are to administer it, the Government will inform you concerning the present state of the Republic, so far as the different

Ministers possess the means, that you may be able to frame your enactments according to the circumstances of the case. It belongs to the President of the Councils of state and of the Ministry, to exhibit the transactions of the last eighteen months; and if they have not equalled what we might have hoped, they have at least overcome the obstacles which opposed the march of the administration — the turbulent circumstances of foreign war and internal commotion; evils which, thanks to Divine Providence, have yielded to the influence of mercy and peace.

Bestow your highest attention upon the origin and progress of these disturbances.

The commotions which unfortunately occurred in 1826, obliged me to return from Peru, although I had resolved not to accept the Chief Magistracy, to which I had been re-elected during my absence. Urgently invited to restore harmony and avert a civil war, I could not refuse my services to the country from which I received that new honor, and the most unequivocal proofs of confidence.

The national representation began to consider the causes of the discord which agitated the public mind; and convinced that they were real, and that thorough measures ought to be adopted, they submitted to the necessity of calling a Grand Convention. This body was installed in the midst of party excitement, and as might be expected, was dissolved without being able to agree upon the reforms in contemplation. Seeing the Republic threatened with a complete dismemberment, I was

obliged anew to sustain it in such a crisis; and had not the public mind been promptly turned to its own preservation, the Republic would have been torn in pieces by its own citizens. She was pleased to honor me with her confidence, — a confidence which I was bound to respect as the most sacred law. When the country was on the brink of ruin, could I hesitate?

The laws, which had been violated by the tumult of arms and the dissensions of the people, had lost their force. Already the legislative body, knowing the necessity of the case, had decreed that a Convention should be assembled to reform the Constitution; and already the Convention had declared that the reform was urgently necessary. So solemn a declaration, connected with the events which preceded it, gave a formal decision against the political compact of Colombia. In opinion and in fact, the Constitution of the 11th year [of the Republic] had ceased to exist.

The condition of the country was dreadful, and mine still more so; for I was placed at the mercy of opinions and suspicions. Nevertheless, the diminution of a reputation acquired by a long series of services, in which similar sacrifices had been necessary and frequent, did not restrain me from the performance of duty.

The organic decree which I issued on the 27th of August, 1828, ought to have convinced all, that it was my most ardent desire, to relieve myself from the insupportable weight of unlimited authority, and that the Republic might again be organized by means of

its representatives. But scarcely had I begun to exercise the functions of Supreme Chief, when opposing elements developed themselves with the violence of passion and the ferocity of crime. An attempt was made upon my life: civil war was kindled up: and the Government of Peru was encouraged by this example, and by other means, to invade the Departments of the South, for purposes of conquest and usurpation. I do not rely, fellow-citizens, upon simple conjecture: unquestionable facts and documents confirm what I say. War became inevitable. The army of Gen. Lamar was defeated at Tarqui in the most splendid and glorious manner by our arms: and the forces which remained owed their preservation to the generosity of the conquerors. Notwithstanding the magnanimity of the Colombians, Gen. Lamar renewed the war, in direct violation of his agreement, and commenced hostilities. I again invited him to peace; but, in return, he loaded us with calumny and insult. The Department of Guayaquil became the victim of his extravagant pretensions.

Deprived of our military marine, opposed by the inundations of the rainy season and by other obstacles, we had to wait for a favorable opportunity to recover the place. During this interval, a national decision (to use the language of the Supreme Chief of Peru) vindicated our conduct, and relieved our enemies from the administration of General Lamar.

The political aspect of that Republic being thus changed, the process of negotiation was easy;

and by virtue of an armistice we recovered Guayaquil. At length, on the 22d of September, the Treaty of Peace was signed, which put an end to a war in which Colombia defended her dignity and her rights.

I congratulate the Congress and the nation on the satisfactory result of affairs in the South; not only because the war is at an end, but because we have received the most unequivocal demonstration of good-will from the Peruvian government, — which nobly confesses that we were provoked to the war by wicked designs on the part of our enemies. No Government has made satisfaction to another, as Peru has to this: for which magnanimity she is entitled to our most perfect esteem.

Fellow-citizens: If peace has been concluded with that moderation which was to be expected between kindred nations, which ought not to have turned their consecrated arms against liberty and their common safety, we also have exercised lenity with the unfortunate people of the South who suffered themselves to be implicated in a civil war, or seduced by the enemy. It is gratifying to tell you that in terminating these domestic dissensions, not a drop of blood has been sacrificed to the vengeance of the laws; and although a gallant General and his followers have fallen on the field of death, their punishment came from the hand of the Almighty, since from ours they would have obtained mercy — that mercy which we extended to the survivors. They are all in the enjoyment of liberty, notwithstanding their errors.

Too much has the country suffered by these commotions, which we shall always recollect with pain : and if anything can mitigate our sorrow, it is the reflection that their origin is in no measure attributable to us, and that we have been as generous with our adversaries as was in our power. The sacrifice of any delinquents on the altar of justice assuredly grieves us ; and although the parricide has no claim to indulgence, yet many of them have received it from my hands, and perhaps those who least deserved it.

Take for example the scene of horror which unfortunately I had to lay before you. Suppose it to happen as one of those formidable chastisements which Providence is pleased to give us in the course of our lives, for our correction. It is the duty of Congress to gather sweet fruits from this bitter tree, or at least to remove from under its poisonous shade.

Had I not enjoyed the enviable privilege of calling you to represent the rights of the people, in order that, conformably to the wishes of your constituents, you might create or meliorate our institutions, this would be the place to point out to you the fruits of twenty years, consecrated to the service of the country. But I ought not even to *indicate*, what other citizens have a right to *ask* of you. All can, and ought to submit their opinions, their fears and desires, to those whom we have appointed to cure society of its confusion and frailties. I alone am excluded from exercising this privilege of citizens, because having called you together and defined your prerogatives,

it is not my business to influence your councils in any manner whatever. And besides, it would be irksome to repeat to the representatives of the people, that which Colombia publishes in characters of blood. My sole duty is, to submit without reserve to the laws of the magistrates which you may create ; and it is my only aspiration, that the will of the people may be proclaimed, respected, and fulfilled by their Delegates.

To this end I thought proper to invite all the people to express their opinions with full liberty and security, under no other restriction than those which order and moderation ought to prescribe. The invitation has been complied with ; and you will find in the petitions which will be submitted to your consideration, the ingenuous expression of the will of the people. All the Provinces await your decision ; all the meetings which have been held for the object have been characterized by regularity and respect for the authority of the government and the Constituent Congress. We have only to regret the extravagance of the meeting in Caracas, concerning which both your prudence and wisdom ought to judge.

I fear, not without some foundation, that when I speak of the Magistrate who is to preside over the Republic, my sincerity will be doubted. But Congress ought to be persuaded that its honor is opposed to thinking of me for this station, and my own to its acceptance by me. Would you consider it decorous to devolve this precious power upon the same man



who has assigned it to you? Could you, without injury to your reputation, give me your suffrages. Would not this be equivalent to my appointing myself. Far from you and from me be an act so unworthy.

Obliged as you are, to constitute the government of the Republic, you will find both within and without your own body, illustrious citizens who will fill the Presidency with glory and advantage. All, all my fellow-citizens enjoy the inestimable privilege of appearing innocent to the eyes of suspicion, — I alone am stigmatised with aspiring after tyranny.

Free me, I entreat you, from the reproach which awaits me if I continue in the occupancy of a post which never can be exempt from the charge of ambition. Believe me, a new Magistrate is indispensable to the Republic. The people wish to know if I will ever cease to command them. The American States regard me with a distrust which may one day bring on Colombia evils similar to those of the war with Peru. Even in Europe there are not wanting those who fear that I shall discredit, by my conduct, the glorious cause of liberty. Ah! what conspiracies and wars have we suffered, in consequence of attempts upon my authority and person. These misfortunes have occasioned sufferings to the people, whose sacrifices would have been avoided, if from the first the legislators of Colombia had not compelled me to fill an office which has oppressed me more than war and all its calamities.

Show yourselves, fellow-citizens, worthy to represent a free

people, avoiding every thought of considering me necessary to the Republic. If **ONE MAN** were necessary to sustain a State, that State would not deserve to exist, and in short could not exist.

The Magistrate whom you select will doubtless be an Iris of domestic concord, a bond of fraternal union, a consolation to the parties that are depressed. Around him all the Colombians will rally; he will fold them in his arms, and form them into one family of citizens. I will obey this legitimate magistrate with the most cordial respect; I will follow him as an angel of peace; I will sustain him with my sword and with all my powers. Everything will add energy, respect and submission to the man of your choice. I give you my oath for it, legislators; I promise it in the name of the Colombian people and army; the Republic will be happy, if in accepting my resignation, you appoint to the Presidency a citizen dear to the nation: she will languish if you insist that I shall remain in the command. Hear my entreaties: save the Republic: save my glory, which is that of Colombia.

Take the Presidency, which I respectfully resign into your hands. Henceforward, I am only a private citizen, ready to defend the country and obey the government: my public functions cease forever. I make a formal and solemn surrender of the supreme authority which the national suffrages have conferred on me.

You belong to all the Provinces; you are their most select citizens: you have served in all public stations; you know the in-

terests of the people, both general and local; you desire to regenerate the Republic, which is failing in all the branches of its administration.

Let my last act be, to recommend that you protect the holy religion which we profess,—the overflowing fountain of heavenly blessings. The national treasury requires your attention, especially in the system of collection. The public debt, which is the canker of Colombia, demands of you its most sacred rights. The army, which has immense claims upon your gratitude, requires a thorough organization. Justice demands codes of laws capable of defending the rights and innocence of freemen. All must be created anew; and it is your duty to lay the foundation of prosperity by establishing the general bases of our political organization.

Fellow Citizens: I am ashamed to say it—independence is the only blessing we have acquired, at the expense of everything else. But this gives us opportunity to regain what we have lost, under your sovereign auspices, with all the splendor of glory and liberty.

.. SIMON BOLIVAR.

Bogota, Jan. 20, 1830.

On the 22d, General Sucre, President of the Constituent Congress, made a reply to the above, in which he says that the abdication of Bolivar could not be accepted, inasmuch as he had solemnly promised to continue in the exercise of the Supreme authority, until the Congress should have promulgated a Constitution and named its Magistrates.

#### VENEZUELA.

On the 29th Jan. Gen. Paez issued the following proclamation:—

VENEZUELIANS! Having made known in November your determination of separating yourselves from the other part of the territory, forming the Republic of Colombia, and your desires having been complied with, the four departments which divided ancient Venezuela,—Maturin, Venezuela, Orinoco and Zulia,—have all desired the same thing, and have shown the like enthusiasm, not one town dissenting. The national opinion has been manifested with liberty, and the people of Venezuela have expressed at once their true wishes.

Venezuelians! Having offered to sustain your constitution, and being placed at the head of the army, I protest to you that no strange power will invade your territory; that the public tranquillity will not be disturbed, and that I will uphold the national representation in full security, in order to fix your future destiny, and commence the work of your prosperity. In speaking with such certainty, I am borne out by the opinion of the people and of the brave and experienced generals, chiefs, and officers who form the army, and who protect the departments, resolved to make the public cause triumph.

The publication of Zulia is a pleasing incident for the Republic, which increases the integrity of its territory: and in receiving its votes, I have saluted them as wor-

thy Venezuelians who are returning to the bosom of their families. Liberty has appeared as the sun; and its powers have awakened the patriotism of the most heroic people of the new world. Unfortunate are those who oppose it, and more unfortunate are those who attempt to extinguish its light;—they will only meet with death.

JOSE ANTONIO PAEZ.

Head Quarters, Valencia, }  
29th January, 1830. }

### *New Colombian Tariff.*

Simon Bolivar, Liberator, President of the Republic, &c.

Considering that the expenses of the Republic have been increased, by the necessity of preserving it in a defensible condition with regard to Spain, who still remains obstinate in her pretensions of domination, and of arming to repel the unjust aggressions of Peru;

That the discrimination between different ports from which merchandize proceeds, adopted by the laws of the State, for the collection of great and small duties, if it was useful when established, has since become injurious to commercial nations;

Finally, that it is absolutely necessary to insure the greatest possible revenue from import duties—the council of the State having been consulted—

I decree—Art. 1. On imposts no other duty shall be collected in the ports than those known by that name to the laws of the republic: all shall be consolidated into one, which were formerly known by various denominations.—[This article does not exclude those that have been collected

under other names and regulations—as tonnage, anchorage and other port duties.]

Art. 2. For the future the differences admitted by previous laws in the places of origin of foreign merchandize, shall cease; and uniform and the same duties shall be collected, according to the provisions of this decree, on all, whether they proceed from Europe, the colonies of European nations, the United States of North America, the Asiatic possessions, or the new American States.—[This is not at all to infringe any existing treaties.]

Art. 3. (This divides all merchandize and effects into six classes.)

1st. Sheet iron, paper, medicines, cordage, cables, pitch, tar, precious stones, laces, cambrics, (battiste and fine), handkerchiefs, and tools of all sorts. These imported in Colombian vessels; pay  $1\frac{1}{2}$  per cent and in foreign vessels  $1\frac{1}{2}$ .

2d. Cloths or fabrics of cotton, wool, linen, hemp, or worsted, (except those comprehended in other classes),  $18\frac{1}{2}$  per cent in national vessels, and  $22\frac{1}{4}$  in foreign.

3d. Hats, of beaver, wool, cotton, silk, or straw, umbrellas, spermaceti, manufactured or not, olives, watches, of gold, silver, or other metals, galloon, delft ware, and all sorts of fine and coarse glass— $20\frac{1}{2}$  per cent in national vessels, and  $25\frac{1}{2}$  in foreign.

4th. Silks and all silk fabrics, mock jewels, curried skins, ornamental plumes and fans— $22\frac{1}{2}$  in national, and  $27\frac{1}{2}$  in foreign.

5th. Furniture and utensils, of

gold, platinum, silver, bronze, copper, tin, lead and sheet iron, dried fruits, &c, all sorts of foreign tanned leather and bread stuffs, except those paying a specific duty—25½ per cent in national, and 30½ in foreign.

6th. Glass chandeliers, Grecian lamps, mirrors, carriages, shoes, boots and other leathern articles, house furniture, made garments, perfumes, essences; scented waters, &c, men's and women's riding saddles—30½ per cent in national, and 35½ in foreign vessels.

All other kinds of goods, wares and merchandize, not included above, and not subject to specific duties, imported in national vessels shall pay 25½, and in foreign 30½ on the arancel prices, or the valuation made in presence of the factors.

The following articles shall pay the specified duties annexed to them.

Manufactured steel, 40 reals per quintal, Cana, brandy, or its mixtures, common proof, 30r. pr. doz.; bottles do. in other condition, 25r. pr. arroba; wine, or other brandy, common proof, 36r. pr. doz.; do. in other condition, 30r. per arr.; Garlic, 30r. per q.; Aniseed, 64r. per do.; rice, 16r. do.; smoked or salted beef, 16r. do. do. do.; pork, 24 do.; beer, 12r. per doz.; do. other condition, 8 per arr.; cider, 12r. per doz. or 8 per arr.; copper, in pigs, 32r. per q.; do. in sheets, 36r. do.; cummin, 50r. do.; pastes, 25r. do.; unwrought iron, or iron machinery or agricultural instruments, 16r. do. do.; manufactured in other forms, 32r.;

minestras, &c, 16r. do.; biscuits, 40r. do.; flour, 8r. per arr.; corn, barley and oatmeal, 4r. per do.; hams, 40r. per q.; lard, 50r. do.; Indian corn, 8r. per fanega; playing cards, ½r. per pack; oreganum, 50r. per q.; dry salt fish, 25r. per q.; do. in pickle, 4r. per lb.; snuff, fine, 4r. per lb.; all sorts of powder, 100r. per q.; rapee, 48r. per bot.; salt, 8r. per q.; tallow, 16r. per q.; do. manufactured, 40r. per do.; vinegar, 12r. doz. bot. or 8r. per arr.; Champ. and Madeira wine, 24r. doz. or 18r. per arr.; all red wines, 9r. per doz. or 6 per arr.; other wines, 18r. per doz. or 12 per arr.

Art. 12. The above duties are for imports in national vessels; 5 per ct. to be added when imported in foreign.

Art. 13. The importation of rum and its compounds to be permitted hereafter only in the ports between Angostura and Maracaibo, inclusive.

Art. 14. This decree shall go into full effect in all the custom houses of the republic, from the first day of July of the present year.

Art. 15. Previous regulations, contrary to this decree are repealed.

Art. 16. The minister Secretary of State in the Department of the Treasury is charged with its execution and punctual fulfilment.

Given at head quarters at Quito,  
May 8th, 1829 — 19.

SIMON BOLIVAR.

For His Excellency the Liberator.

JOSE B. ESPINER,  
Secretary General.

## BRAZIL.

*Speech of the Emperor of Brazil, on the opening of the General Assembly, 3d May, 1830.*

Most august and most worthy Representatives of the Nation :

WITH the greatest pleasure I now open the first session of the second Legislature of this Empire, and am much gratified in being able to announce to the General Legislative Assembly my union with the Most Serene Princess Donna Amelia Augusta Eugenia de Leuchtenbourg, the present Empress, my most beloved and esteemed wife.

With the desired arrival of my august bride, the young Queen of Portugal and Algarves, my beloved and dear daughter, returned, who (not abandoning her cause) is now under my protection and guardianship ; and although in the character of father and guardian, it is my duty to defend the cause of that sovereign ; however, I shall be faithful to my pledge to the Assembly, 'that the interest and tranquillity of Brazil should not suffer in consequence of the affairs of Portugal.' To your care and philanthropy I recommend the Portuguese emigrants, who, having preserved and even accompanied the legitimate Queen, are now at this Court in need of assistance.

It is very flattering to me to be able to communicate to the General Assembly the firm continuation of an intercourse of harmony and friendship between myself and the other Sovereigns and

States of both hemispheres. Treaties of commerce and navigation with the King of the Netherlands and with the United States have been ratified, and copies of them already presented to you by my Minister of the proper department, on the expiration of the last session of the Legislature.

I congratulate myself and you on the tranquillity which prevails in all the provinces of the Empire.

My Minister and Secretary of State for the Judiciary Department, according to the provisions of the Constitution, will inform you of the causes which constrained the Government to suspend for some time the individual guarantees in the province of Ceara.

Vigilant, and desiring to keep good order, it is my most imperious duty to remind you of the necessity of restraining, by legal means, the continued abuse of the liberty of the press in the whole Empire, which threatens great evils ; and it is the duty of the Assembly to put a stop to them.

The affairs of the Treasury and Judiciary, so often recommended by me, ought to deserve all the zeal and care with which the nation expects its Representatives to receive it. The reform of those important branches of the public administration is of vital interest to the prosperity of the Empire.

The Army and Navy cannot

but attract your attention ; the first requiring a rigorous and regular organization, while in the second some reforms are absolutely necessary. The geographical situation of the Empire renders the maintenance of land and sea forces a necessary and prudent measure.

The slave trade has ceased, and the Government is decided in employing all those measures which honor and humanity dictate to prevent its continuance under any pretence whatever ; therefore, I think it absolutely necessary to suggest that it is advisable to facilitate the emigration of useful persons to this country. Laws determining the distribution of uncultivated lands, and securing the fulfilment of any agreement made with the colonists, will be of manifest utility, and of great advantage in promoting industry generally.

Public Education, which has

been constantly the object of my Imperial care, requires all your attention. It is necessary that the principles of the Apostolical Catholic Religion professed by us, as well as its precepts and Christian morals, be carefully taught and practised in the elementary schools of the Empire.

I leave to the consideration of this Assembly the above-mentioned recommendations. I feel confident in the wisdom and patriotism that will preside over the proceedings of this session, which will bring upon the legislators the blessings of a thankful country.

Most worthy Representatives, &c.

I rely upon your co-operation as Brazilians, who only have in view the general interests of their country, and the consolidation of the Monarchical, Constitutional, Representative system, and the splendor of my Imperial Throne.

The Session is opened.

## BANDA ORIENTAL.

### *Tariff.*

Department of the Treasury, }  
Montevideo, June 20, 1829. }

The General Constituent and Legislative Assembly has sanctioned the following law :

#### *Duties on Imports and Exports.*

##### CHAPTER I. OF MARITIME IMPORTATION.

1. Machines, agricultural implements, instruments of science and arts, books, prints and maps, are free of duty.

2. A duty of five per cent shall be paid on silk, raw or spun ; silk fabrics ; embroidered gold and silver lace ; watches ; trinkets of gold and silver ; saltpetre ; plaster of paris ; stone coal ; bows and arrows of wood.

3. A duty of ten per cent shall be paid on powder, tar, rosin and naval stores.

4. A duty of fifteen per cent shall be paid on all articles, natu-

ral and manufactured, not before provided for in this law.

5. A duty of twenty per cent shall be paid on sugar, *mate herb*, coffee, tea, cocoa, cinnamon, spices, drugs, eatables in general.

6. A duty of twentyfive per cent shall be paid on furniture, looking glasses, coaches, volantes and mountings, saddles and trappings for horses, ready made clothes, shoes, liquors, brandies, wine, vinegar, beer, cider, and tobacco.

7. Salt shall pay a duty of two rials per fanega.

8. No duty shall be paid on raw hides of all kinds, hair, horns, rough tallow, gold and silver, stamped and in bars.

9. One rial per package shall be paid on all articles or effects, which enter on deposit, unless they remain longer than thirty days, when two rials per month will be exacted for the time they remain in deposit over the first thirty days.

10. The ports of entry and discharge in this Territory are Montevideo, Maldonado, Colonia, Soriano, and Sandu.

11. The ports of the Uruguay, are included in the preceding articles, only until a general deposit shall be established for the whole river.

12. Goods are only permitted to be entered on deposit at Montevideo.

#### CHAPTER 2. OF MARITIME EXPORTATIONS.

13. Raw ox, cow, and calf hides shall pay a duty of two rials each.

14. Horse hides shall pay a duty of one rial each.

15. All other articles the pro-

duce of this State, not comprehended in the above, shall pay an ad valorem duty of four per cent upon current prices.

16. Except grain, small stores, flour, salt beef, wool on the skin, leather and all kinds of manufactures; also all foreign merchandize which has paid the import duty, shall be free of export charge.

17. Four per cent shall be paid on gold and silver, coined or in bullion.

18. Merchandize in deposit shall pay two per cent on exportation.

#### CHAPTER 3. MANNER OF COLLECTING THE DUTIES.

19. The duties shall be assessed upon the wholesale prices of the place, to be determined by the Vista and two merchants, when the articles are despatched by the Custom House.

20. The merchants spoken of in the preceding article, shall be comprehended in a list of twelve, which shall be made out each month by the Consulado. Four shall be designated each month by the collector general, who shall act alternately.

21. In case the interested party shall claim deductions, and the Vista objects, in a difference exceeding one per cent, a *final* decision shall be made by the collector general and two merchants drawn by lot from the list.

22. The arbitrators shall not separate without having decided—which decision shall be positive.

23. The operations of the examinations and assessment shall be public, and the causes of their

decisions given to such merchants as may ask them.

24. No innovation in this law shall be made, unless the same be sanctioned and published six months before its operation.

SILVESTRE BLANCO, *President*.

MIGUEL A. BERRO, *Secretary*.

*Addition to the above Law.*

1. Foreign merchandise exported to Uruguay and Parana shall pay only one per cent and half of the Custom House charges, now exacted.

2. Vessels exceeding one hundred and fifty tons shall not enjoy this privilege. (Signed as before.)

On the 7th of July the Hall of Representatives sanctioned the following law :

1. From the publication of the present law, national and foreign vessels shall pay the port duties designated below.

2. National coasting vessels, plying within the capes, shall obtain a license for each voyage.

3. Designates the price of the licenses.

4. Foreign vessels shall pay three rials per ton.

5. National vessels navigating the high seas, shall pay two rials per ton.

6. The duties designated in the former articles shall be paid, one half on the entrance and the other half on the clearance.

7. National and foreign vessels, which neither discharge nor take in cargo, and whose stay does not exceed six days, shall pay no duty comprehended in this law. Those which remain longer shall pay the third part of the duties designated in articles 4 and 5.

8. Coasting vessels belonging to the Argentine Provinces, shall pay the same duty in the ports of this province that our vessels pay in the ports of that State.

9. All former duties are suppressed.

10. Except the Consular duties and those for the benefit of the Hospital of Charity.

SILVESTRE BLANCO, *President*.

MIGUEL A. BERRO, *Secretary*.

## GREAT BRITAIN.

*Imperial Parliament, February 4, 1830.*

The royal commission was read ; and the Lord Chancellor read the following speech : —

My Lords and Gentlemen :

We are commanded by his Majesty to inform you that his Majesty receives from all Foreign

Powers the strongest assurances of their desire to maintain and cultivate the most friendly relations with this country.

His Majesty has seen with satisfaction that the war between Russia and the Ottoman Porte has been brought to a conclusion.



The efforts of his Majesty to accomplish the main objects of the treaty of 6th July, 1827, have been unremitted.

His Majesty having recently concerted with his allies measures for the pacification and final settlement of Greece, trusts that he shall be enabled, at an early period, to communicate to you the particulars of this arrangement, with such information as may explain the course which his Majesty has pursued throughout the progress of these important transactions.

His Majesty laments that he is unable to announce to you the prospect of a reconciliation between the Princes of the House of Braganza.

His Majesty has not yet deemed it expedient to re-establish upon their ancient footing his Majesty's diplomatic relations with the kingdom of Portugal. — But the numerous embarrassments arising from the continued interruption of these relations increase his Majesty's desire to effect the termination of so serious an evil.

Gentlemen of the House of Commons :

His Majesty has directed the estimates for the current year to be laid before you. They have been framed with every attention to economy and it will be satisfactory to you to learn that his Majesty will be enabled to make a considerable reduction in the amount of the public expenditure, without impairing the efficiency of our naval or military establishments.

We are commanded by his Majesty to inform you, that although the national income, dur-

ing the last year, has not attained the full amount at which it had been estimated, the diminution is not such as to cause any doubt as to the future prosperity of the revenue.

My Lords and Gentlemen : .

His Majesty commands me to acquaint you, that his attention has been of late earnestly directed to various important considerations connected with improvements in the general administration of the law.

His Majesty has directed that measures shall be submitted for your deliberation, of which some are calculated, in the opinion of his Majesty, to facilitate and expedite the course of justice in different parts of the United Kingdom ; and others appear to be necessary preliminaries to a revision of the practice and proceedings of the Superior Courts.

We are commanded to assure you, that his Majesty feels confident that you will give your best attention and assistance to subjects of such deep and lasting concern to the well being of his people.

His Majesty commands us to inform you, that the export in the last year of British produce and manufactures has exceeded that of any former year.

His Majesty laments that, notwithstanding this indication of active commerce, distress should prevail among the agricultural and manufacturing classes in some parts of the United Kingdom.

It would be most gratifying to the paternal feelings of his Majesty to be enabled to propose

## PUBLIC DOCUMENTS.

for your consideration measures calculated to remove the difficulties of any portion of his subjects, and at the same time compatible with the general and permanent interests of his people.

It is from a deep solicitude for those interests that His Majesty is impressed with the necessity of acting with extreme caution in reference to this important subject.

His Majesty feels assured that you will concur with him in as-

signing due weight to the effect of unfavorable seasons, and to the operation of other causes which are beyond the reach of legislative control or remedy.

Above all, His Majesty is convinced that no pressure of temporary difficulty will induce you to relax the determination which you have uniformly manifested, to maintain inviolate the public credit, and thus to uphold the high character and the permanent welfare of the country.

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### LEGISLATURE OF UPPER CANADA. — GOVERNOR'S SPEECH.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly :

You are again convened for the despatch of public business ; and it will be gratifying to me to give effect to the measures, which, from your general and local knowledge of the Colony, may be proposed as conducive to the welfare and prosperity of the people.

The activity and industry of the agriculturists in all parts of the Province ; their efforts to unlock the country, and reach the Lakes with their surplus produce ; the successful culture introduced in the Western Townships ; point out the profitable result that may be anticipated from affording proper encouragement to this individual exertion and labor.

Fortunately the difference of situation of several districts has been equalized by the opening of the Welland Canal ; the extension

of it to the Grand River will complete this first great Provincial enterprise ; and will require your immediate support and protection.

These improvements must naturally lead your attention to the St Lawrence, and to the manifest advantages that may be derived from perfecting the navigation in that quarter.

Gentlemen of the House of Assembly :

I have directed a statement of the revenue and expenditure of the last year to be laid before you, with the estimate of supplies for the current year.

From the accounts you will perceive, that in consequence of the favorable returns of the duties, levied under the Statute of the 14th Geo. 3d, the expense of the administration of Justice, and of that part of the Civil Establishment not provided for by his Majesty's Government, or by the annual vote of the Imperial Par-

liament, has been defrayed entirely from those proceeds; and that a considerable balance accruing from the excess of former estimates beyond the expenditure, remains at the disposal of the Legislature.

The necessity of reforming the Royal Grammar School, was evident from your report at the close of last Session.

In establishing a college, at York, under the guidance of able masters, the object which we have in view, will, I trust, be speedily attained.

The delay that may take place in revising the charter of the University, or in framing one suitable to the Province and to the intention of the endowment, must, in fact, under present circumstances, tend to the advancement of the Institution; as its use depended on the actual state of education in the Province.

Dispersed as the population is, over an extensive territory, a general efficiency in the common schools cannot be expected; particularly while the salaries of the masters will not admit of their devoting their whole time to their profession.

Honorable Gentlemen, and Gentlemen :

The King's pleasure on the Bills reserved has not yet been communicated to me.

I request that you to examine the Acts that may be about to expire.

Your attention will also be drawn to another subject of importance, the exposure of property: and the facility of depredations in certain districts, and the frequent cases of capital con-

victions where, through the dispensing power of the Crown, it is thought advisable to arrest the sentence of the law, notwithstanding the evils that may arise from repeated mitigation, without a system of secondary punishment, or any means of disposing of offenders.

With regard to the questions submitted to his Majesty's Government; whatever difficulties may have occurred in determining them or in reconciling the respective interests with which they are connected, the diligent investigation through which they are passing evinces the earnest desire of his Majesty that this portion of his dominions should reap the full benefit of good Laws and free Institutions.

The following Resolutions passed the House of Assembly of Upper Canada at this Session:

#### *Negro Settlers.*

1. *Resolved*, That this House has just cause of alarm for the peace and security of the inhabitants of the western parts of this Province, by reason of the rumored intention, on the part of the Canada Company, of introducing large bodies of Negro settlers into this Province.

2. *Resolved*, That, in affording such encouragement, the Canada Company seem not to have duly reflected on the danger in which it involves the peace and happiness of the people; and that the act of the Imperial Parliament, constituting this Company, marks the subject of these resolutions as one of the many evils which must result from Le-

gislation by the Imperial Parliament in matters of the internal concerns of this Province.

3. *Resolved*, That no subject calls more seriously for the attention of the Legislature, than the settlement of the country, by all reasonable facility given to strangers to come into this Province and cultivate its wastes.

4. *Resolved*, That, although this House has long observed, without uneasiness, that fugitive slaves of color do, occasionally, escape into this Province; and, recognising the law of nature, which says, 'that the fugitive shall not be delivered up to his pursuers,' this House is still unwilling to shut the door against the outcast; yet, the sudden introduction of a mass of Black Population, likely to continue without limitation, is a matter so dangerous to the peace and comfort of the inhabitants, that it now becomes necessary to prevent or ~~check~~ by some prudent restrictions, this threatened evil.

5. *Resolved*, That, inasmuch as such a population, sometimes surpassing, and at others approaching an equality with the whites, in several States of this Continent, has proved, in various ways, high-

ly inconvenient and dangerous to those States, it is too certain that the like disasters must flow from the same cause in this Province, if such projects be permitted to be effected.

6. *Resolved*, That the Committee to whom was referred the petition of the inhabitants of Gosfield and Colchester, do bring in a bill, if it be practicable, during this session, to prevent the introduction of Blacks and Mulattoes into this Province, as settlers participating in all the civil rights of the people of this Province.

7. *Resolved*, That an humble address be presented to His Excellency the Lieutenant Governor, requesting him to forward, with as little delay as possible, these resolutions to His Majesty's Secretary of State for the Colonies, to be by him, with His Majesty's gracious permission, laid before the Imperial House of Commons; and further requesting His Excellency to discourage, as far as may be within his power, the introduction of such population, until the Legislature of the Province may be enable to mature some safe enactment on the subject.

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PARLIAMENT OF LOWER CANADA. — GOVERNOR'S SPEECH.

Legislative Council, Jan. 22, 1830.

Gentlemen of the Legislative Council,  
Gentlemen of the House of Assembly :

I have called you together at a time, which I believe to be the best suited both to your private

convenience, and the public service; and it affords me sincere pleasure to have it in my power to congratulate you on the prosperous state of the affairs of the Province.

Under the blessing of Divine Providence, the distress which was so severely felt at this time last year, is no longer experienced, and the scarcity which then prevailed, has fortunately excited among the inhabitants of the country, a spirit of active industry in their agricultural occupations which cannot fail to be attended with the happiest effects.

Commerce has been carried on more extensively than usual, during the past year, and with more activity and enterprise.

The Provincial Revenue has also increased: and arrangements have been made for the security of the Public Moneys, in the hands of the Receiver General, conformably to the communication made to you in the last Session.

It will be gratifying to you also to learn, that elementary Schools have been very generally established throughout the Province. That great progress has been made in the improvement of internal communications — and that facilities have been afforded to all classes of His Majesty's subjects, to settle on the Waste Lands of the Crown.

Measures have also been taken for the erection of new Light Houses and for promoting the various objects of public improvement, for which provision was literally made in the last Session.

It has been my earnest endeavor to see that the bounty of the Provincial Parliament was not misapplied, and I have, with that view, established such regulations as appear to be necessary for guarding against abuses, and for insuring a faithful and judicious expenditure of the public money.

Details on all the subjects will be laid before you, for your information; and you will probably be of opinion, that the acts passed in the last Session 'for the encouragement of Elementary Education,' and 'for erecting Light Houses in the St Lawrence,' require revision.

Gentlemen of the House of Assembly

The accounts of the Provincial Revenue and Expenditure for the last year will be laid before you as soon as possible, and every information afforded you respecting them, which you may require.

Gentlemen of the Legislative Council.

Gentlemen of the House of Assembly.

It will be my duty to convey to you, by message, a communication, which I have received His Majesty's commands to make to you, upon the subject of the Financial Question, which has given rise to so much controversy in the Province; and I will ~~not~~ submit to your consideration such matters of public interest as I conceive will be conducive to the general welfare of the people of this loyal Colony.

I would also suggest the expediency of passing a law for the qualification of the Justices of the Peace, adapted to the situation and circumstances of the Colony. The qualification being moderate, and either in real estates or in personal income.

The erection of Court Houses and Gaols in some of the most populous counties in the province, (when desired by the inhabitants) is another measure which I would recommend to your consideration; but I will communicate to you by

message my wishes on this subject.

Evils having been experienced by introduction of contagious diseases into the Province, it may be expedient to guard against calamities of this kind by some suitable enactment.

The state of currency is a subject which demands your attention ; the adoption of some measure appearing to be necessary to prevent the circulation of pistareens, and other small silver coins, at a nominal value greatly exceeding their intrinsic worth. It is also most desirable that Legislative Provision be made to insure the circulation of British silver money within the Province at its real value. His Majesty's Government having sent out a considerable quantity of such money, with a view of its circulation and to its ultimately becoming the circulating medium of the Country : I recommend the subject to your serious consideration.

The unsuitableness of the Gaol at Montreal, as a place of confinement for so populous a District,

has been frequently brought under your consideration ; and I trust that the Session will not close, without provision being made, either for the erection of a new Gaol, or for a Penitentiary where criminals may be kept at hard labor, apart from prisoners who are confined previous to their trial.

I suggested to you, by His Majesty's command, in the last Session, the expediency of levying a small tax upon such tracts of land, as remain in a waste and unimproved condition ; and, also of establishing officers for the registration of deeds ; and to these subjects it is my duty again to call your attention.

The pressure of business last Session prevented your maturely considering several matters of importance that came under your consideration ; and you may rely upon my cordial concurrence in all matters which have for their object the general welfare of the Province, and the happiness of His Majesty's Canadian subjects.

## FRANCE.

### *King's Speech to the National Chambers, March 2, 1830.*

GENTLEMEN: It is always with confidence that I see assembled around my throne the Peers of my kingdom and the Deputies of the departments. Since your last Session, important events have consolidated the peace of Europe,

and the good understanding established between my allies and myself, for the happiness of the people. War is extinguished in the East. The moderation of the conqueror and the amicable intervention of other powers, in

preserving the Ottoman empire from the dangers which menaced it, has maintained the equilibrium and confirmed the ancient relations of States. Under the protection of the Powers which signed the treaty of 6th July, independent Greece will rise from her ruins: the choice of the Prince called to reign over her, sufficiently proclaims the disinterested and pacific views of the Sovereigns. I am engaged now in concert with my allies, in negotiations, of which the object is to bring about between the Princes of the House of Braganza a reconciliation, necessary to the repose of the Peninsula. Amidst the grave events with which Europe was occupied, I was fain to suspend the effect of my resentment against a Barbarian power; but I cannot longer leave unavenged the insults to my flag. The reparation I mean to take, will, with the aid of the Most High, in satisfying the honor of France, redound to the profit of Christianity.

The accounts of Receipts and Expenditures will be submitted to you — together with the estimate of ways and means for 1831. I have the satisfaction to perceive, that, notwithstanding the diminution in the revenue of 1829, compared with that of the preceding year, it exceeded the estimate of the budget. A recent operation has shown at what rate of interest loans may be obtained, and the possibility thereby of relieving the burdens of the State. A law relative to a sinking fund will be submitted to you.

It will be connected with a plan for redeeming or exchanging

stocks, which may, we hope, conciliate the expectations of the tax payers, with the justice due to those who have invested property in the public funds. The measures which you will have to consider are intended to satisfy all these interests. They may furnish the means of meeting without new sacrifices, and in the course of a few years, the expenses imperiously required, as well for the protection of the kingdom, as for the prosperity of the commerce and agriculture, by the works on the fortifications, and those of various harbors, the repair of roads and the completion of canals. You will also have to occupy yourselves with various laws relative to the judiciary order; to several projects of public administration, and to measures for improving the condition of retired soldiers. I have been afflicted by the sufferings of my people caused by a long and rigorous winter; but public beneficence has been prodigal of aid, and it is with lively satisfaction I have witnessed the generous zeal evinced for the relief of indigence in every part of my kingdom, and particularly in my good city of Paris.

*Gentlemen* — The first want of my heart is to see France happy and respected, developing all the riches of her soil and her industry, and enjoying in peace the institutions of which I have the firm purpose to consolidate the blessings. The charter has placed the public liberties under the safeguard of the rights of my crown: these rights are sacred: my duty towards my people is to

transmit them intact to my successors.

*Peers of France, Deputies of the Departments* — I do not doubt of your co-operation in the good I desire to do ; you will repel with contempt the perfidious insinuations which malevolence is busy in propagating : if culpable manœuvres should excite against my Government obstacles which I cannot and will not anticipate, I should find force to overcome them in my resolution to preserve the public peace, in the just confidence I have in the French, and in the love which they have always evinced for their Kings.

*Address of the French Chamber of Peers to the King.*

SIRE, — Your faithful subjects, the Peers of France, have heard with respect and gratitude the words proceeding from the Throne.

They rejoice at the harmony which is established between your Majesty and your allies, and which your Majesty believes will confirm the peace of Europe.

The war in the east is happily at an end ; the moderation of the victor has corresponded with the wishes of Europe, the Ottoman Empire will be preserved, and the balance of power remain unimpaired.

Greece will emerge from her ruins, — thanks to the assisting hand which you have outstretched to her. She will become independent under the protection of the Powers who signed the treaty of the 6th of July. The sceptre of the Prince who has been called to the Throne will heal her

dissensions. Unity, inseparable from monarchy, will give her strength.

The success of the negotiations which your Majesty has undertaken in concert with your Allies, to effect a reconciliation between the Princes of the House of Braganza, would insure the repose of the Peninsula, put an end to divisions which are fatal to the commerce of the Two Worlds, and what is no less desirable, would strengthen the principle of legitimate succession to the throne.

An enlightened dispenser of the treasure of France, and sparing of the blood of her sons, your Majesty has hesitated to avenge the insult which a Barbarian Prince has dared to cast upon the flag of your kingdom : feeling that impunity can no longer be extended, you meditate to render profitable to the interests of France and of Christendom, the satisfaction which you will obtain. Christian nations will applaud so generous a design, and we await with confidence the communications which your Majesty may think desirable to make on this important subject.

The diminution of the Revenue of 1829, although it has surpassed the anticipations of those who prepared the budget, calls for economy and new resources. These may result in a great degree from the law relating to the payment of the National Debt, and from the proposed plan of reimbursement which your Majesty is pleased to announce. The time has arrived for alleviating the public burdens, by reconciling the triple interest of the people,



of capitalists, and of the State, without detracting in that respect from the rights of each, and the principles of justice, which have established the credit of France, and which have raised it so high in modern times. By these measures skilfully combined, your Majesty will create the means of speedily meeting, without additional sacrifices, the expenses which are required for the prosperity of agriculture and of commerce, for the public works, the completion of our sea-ports, the repairs of roads, and the construction of canals. We shall give to all these objects that serious attention which is imposed upon us by that which is our duty, the seconding of the views of your Majesty, and concurrence in those great and useful operations.

We shall pay equal attention to the examination of the laws relative to the judicial department, to the public administration, and for bettering the condition of retired soldiers, which your Majesty designs to lay before the Chambers. The measures which your Majesty has in contemplation for the purpose of soothing the declining years of men who have passed their lives in defending their King and their Country, will excite the gratitude of the army and of all the citizens.

When your Majesty expresses the lively satisfaction you feel at the generous interposition of the humane, in behalf of the indigent in all parts of the kingdom, and especially in your good city of Paris, during a long and severe winter, we are gratified in being able to remind your Majesty of

that which the poor can never forget — that your Majesty and your august family were the first to show a brilliant example in that great work of benevolence.

The first wish of your Majesty's paternal heart is to contemplate France, in the peaceable enjoyment of her institutions, happy and respected. Sire, she will be so. Of what avail would malevolent insinuations be against the expressed declaration of your Majesty's will, to maintain and consolidate these institutions? The monarchy is their basis; the rights of your crown will remain immoveable; they are no less dear to the nation than its liberties; placed under your protection, they strengthen the ties which bind the people to your throne and dynasty. France is no less averse from anarchy than is her king from despotism.

If guilty manœuvres should raise obstacles against your Government, they would be speedily surmounted, not merely by the Peers who are the hereditary defenders of the Throne and Character, but that of an immense majority of the nation. For it is the wish and interest of all that the sacred rights of the Crown should remain inviolate, and that in union with the public liberties, they should be transmitted to the successors of your Majesty, and to our latest posterity, who are the heirs of our confidence and of our love.

The King answered this address, which was presented to him by the Chancellor, in the following words :

SIR—The sentiments you communicate in the name of the Peers of France, are so much the more grateful to me as they prove that the Chamber has perfectly understood and felt the tenor of my speech. I rely upon you, gentlemen, as you also ought to rely on my immovable resolution, and I doubt not, in conformity with your assurances, that the two Chambers will combine with me to give security and permanence to the happiness of my people.

—  
*Address of the Chamber of Deputies.*

The address was prepared in a Select Committee on the 12th and 13th of March, and on the 15th and 16th it was discussed in the Chamber with great warmth. The Address was carried, —  
Ayes 222, Noes 180. Majority, 42.

SIRE, — It is with lively gratitude that your faithful subjects, the Deputies of the Departments, assembled round your Throne, have heard from your august mouth the gratifying expressions of the confidence you place in them. Happy in being able to inspire your Majesty with this sentiment, they will render themselves worthy of it by the inviolable fidelity of which they here renew the respectful homage, and which they will further deserve by the loyal performance of their duties.

We rejoice with you, Sire, at the events which have consolidated the peace of Europe, strengthened the concord already established between your Majesty and your Allies, and which have

put an end to the war in the East.

May the unhappy people whom your generous succor has snatched from apparently inevitable destruction, ultimately find that the protection which your Majesty reserves for them, will secure their independence, their strength and their liberty.

We earnestly pray, Sire, for the success of the measures which you are taking, in concert with your allies, to effect the reconciliation of the Princes of the House of Braganza. It is an object worthy of your Majesty's solicitude, to put an end to the evils by which Portugal is afflicted, without infringing the sacred principles of legitimacy, which should be preserved inviolable for kings no less than for their people.

Your Majesty had suspended the effects of your resentment against a Barbary Power; but you have not deemed it expedient longer to delay requiring signal reparation for the insult offered to your Majesty's flag. We shall respectfully await the communication which your Majesty will doubtless cause to be laid before us on a subject of such high importance.

Sire, whenever it shall become necessary to defend the dignity of your Crown and to protect the commerce of France, you may rely on the support and devotedness of your people.

The Chamber will readily concur in any measures which your Majesty shall purpose, for improving the condition of superannuated soldiers. Such laws as may be laid before the Chamber relative to the judicial department, and

the internal policy of the kingdom will be considered with the most careful attention.

The diminution in the revenue, to which your Majesty has referred, is a fact, the importance of which we duly feel. Our utmost endeavors will be employed in investigating the cause of the public distress, of which it is a symptom.

Your Majesty has commanded a law project to be presented to the Chamber, relative to the Public Debt and Sinking Fund. Such projects will call forth our utmost solicitude; both on account of the important questions which they involve, and of the necessity of maintaining a due balance between the different interests which are concerned therein. An equitable and judicious organization of public credit will be a powerful means of prosperity for France, and will afford your Majesty a new claim to the gratitude of your subjects.

But for the accomplishment of this intended benefit a condition is required, without which, it would remain unproductive. This condition is freedom from uneasiness with respect to the future, which is the most solid basis of credit and the first want of industry.

We, the Deputies of the Departments, collected here, in obedience to your call, from all parts of your kingdom, lay before your Majesty the universal homage of a faithful people, still filled with emotion, at having beheld in you the most beneficent of all, in the midst of universal benevolence, and revering in you the accomplished model of the most affect-

ing virtues. Sire, this people cherish and respect your authority. Fifteen years of peace and liberty which they owe to your august brother and yourself, have profoundly-rooted in their hearts the sentiment of gratitude by which they are actuated towards your family. Their reason, matured by experience and by freedom of discussion, teaches, that in matters of regal authority, antiquity of possession is the most sacred of all titles; and that it is no less for their happiness than your glory, that remote ages have placed your throne in a region inaccessible to storms. Their conviction is in accordance with their duty when they consider the sacred rights of your Crown as the surest guarantee of public liberty, and the integrity of your prerogatives as necessary for its preservation.

Nevertheless, Sire, in the midst of those unanimous sentiments of respect and affection entertained by the French people for your Majesty's person, there exists a strong feeling of disquiet, disturbing the security which France had begun to enjoy, tainting the source of her prosperity, and which, if prolonged, might become fatal to her peace. Obeying the dictates of conscience and honor, and bound by the oath of allegiance which we have taken, and are resolved to maintain, we feel it incumbent on us to disclose the cause of this general uneasiness.

Sire, the Charter which we owe to the wisdom of your august predecessor, and whose benefits your Majesty has the firm resolution to consolidate, consecrates as a right, the intervention of the people in

deliberations on public interests. — This intervention ought to be, as it is in fact, mediate, wisely tempered and circumscribed within limits accurately defined, which we will never suffer to be transgressed. But this right of intervention is positive in its object, inasmuch as it renders the concurrence of the views of your Government with the wishes of your people, an indispensable condition for the regular course of public affairs. Sire, our loyalty, our devotedness to your Majesty, compel us to state that this concurrence does not exist.

An unfounded distrust of the sentiments, and of the judgment of your people, is the prevailing thought of your Majesty's Government. This fact is a cause of affliction and offence to your people. They are uneasy because their liberties are menaced.

This distrust cannot reside in your noble heart: No, Sire, *France is not more desirous of anarchy, than is your Majesty of despotism.* She deserves that you shall believe in her loyalty, as, on the other hand, she has faith in your promises.

May the exalted wisdom of your Majesty pronounce between those who are wholly unacquainted with public sentiment, and those who, with a thorough knowledge and deep conviction of that sentiment, lay at the feet of your Majesty the aggrieved feelings of a people jealous of the esteem and of the confidence of their King. The royal prerogative has placed in the hands of your Majesty the means of maintaining, between the different branches of the legislature, that constitutional

harmony which is a first and necessary condition for the strength of the Throne and the greatness of France.

To this Address his Majesty was pleased to make the following answer :

*Gentlemen,* — I have heard the Address which you have just read to me, on the part of the Chamber of Deputies. I should have relied on the concurrence of the two Chambers, for effecting the good which I had contemplated, in order to consolidate the happiness of my people. I am grieved to hear from the Deputies that this concurrence does not exist.

In my speech on the opening of the Chambers, I made known my resolutions; they are unalterable. The interests of my people forbids me to depart from them. My Ministers shall make you acquainted with my will.

Only three days after, the King prorogued the Chambers to the 1st Sept.

#### *Royal Proclamation.*

CHARLES by the Grace of God, &c.

Frenchmen! — The last Chamber of Deputies misconstrued my intentions. I had a right to reckon upon their concurrence with me in accomplishing the good I had in contemplation — they refused it to me! As the Father of my people, my heart was afflicted; as a King, I felt myself insulted. I pronounced the Dissolution of that Chamber.

Frenchmen! — Your prosperity is my glory — your welfare is mine. At the moment when the

Electoral Colleges are about to be opened at every point of my kingdom, you will listen to the voice of your king.

To maintain the Constitutional Charter, and the institutions it has founded, has been, and ever shall be, the object of my endeavors.

But to obtain this end, I ought to exercise freely, and cause respect to be shown to those sacred rights that are the appanage of my crown.

In them exists the guarantee for the public tranquillity and for your liberties. The nature of the Government would be impaired (*alteree*,) if culpable attacks were to weaken my prerogatives: and I should betray my trust, were I to submit to it.

Under the protection of this Government, France has become flourishing and free. She is indebted to it for her franchises, her credit, and her industry. There is nothing which France need envy in other States, and she has nothing to aspire to but the preservation of the advantages which she enjoys.

Rely upon the maintenance of your rights. They are identified with my own, and I will protect them both with equal solicitude.

Do not suffer yourselves to be mislead by the language of insidious men, who are enemies to your repose. Repel all unworthy suspicions and unfounded fears, which would shake public confidence, and might excite serious disorders. The designs of those who propagate these alarms, whatever they may be, will miscarry before my firm and unchangeable resolution. Your security, your

interests, shall not be compromised, any more than your liberties. I watch with equal vigilance over the one and the other.

Electors, hasten to your Colleges. Let no reprehensible negligence deprive them of your presence! Let one sentiment animate you all—let one standard be your rallying point!

It is your King who demands this of you; it is a Father who calls upon you.

Fulfil your duties—I will take care to fulfil mine.

Given at our Palace of the Tuilleries, June 13, A. D. 1830, and in the 6th year of our reign.

CHARLES.

#### *Report to the King.*

Paris, July 26, 1830.

SIRE: Your ministers would be unworthy the confidence with which your Majesty had honored them if they longer delayed placing before you a concise statement of our internal situation, and to indicate to your Highness the dangers arising from the periodical press.

At no period during the last fifteen years has this situation presented itself under a more serious and afflicting aspect. Notwithstanding a prosperity unexampled in the annals of our history, signs of disorganization and symptoms of anarchy are manifested upon almost every point of the kingdom.

The successive causes which have conduced to weaken the springs of the monarchical government, operate to day to alter and change its nature—deprived of its moral force, the civil authority within the capital and in the pro-

vinces, maintain but an unequal contest against factions. Pernicious and subversive doctrines openly professed are spread and propagated among all classes of our population — disquietudes too generally accredited, agitate the public mind and torment society. From all quarters a guarantee is demanded for future safety.

A maliciousness, active, ardent, indefatigable, is at work to overturn the foundations of order and to deprive France of the happiness which she enjoyed under the sceptre of her kings. Active in working discontent and stirring up hatred — it fomented among the people a spirit of defiance and hostility against government, and seeks everywhere to sow the seeds of discord and of civil war.

And, Sire, recent events have already proved that political feelings confined heretofore to the higher ranks of society, are beginning to be more generally felt, and to excite the popular mass. They have proved also that this mass is not always agitated without danger to those even who strive to secure its repose.

A multitude of facts collected during the course of the late electoral operations, confirm these statements and afford a too certain presage of new commotions, did not your Majesty possess a power of remedying the evil.

To an attentive observer, there everywhere exists a necessity for order, force and permanency, and the disturbances which appear the most opposed to such necessity, are in reality but the expression and testimony of it.

These agitations, which cannot

be increased without great peril, are almost exclusively produced and excited by the liberty allowed to the press. A law of elections not less prolific in disorders, has without doubt concurred and assisted to maintain them; but we must deny the evidence of our senses not to see in the periodicals the principal focus of a corruption, the progress of which becomes daily more sensible as the origin of the calamities which threaten the kingdom.

Experience, Sire, speaks louder than theory, enlightened men even without doubt, whose patriotism cannot be suspected, carried away by the example of a neighboring people, have believed that the advantages of the periodical press would balance the disadvantages, and that its excesses would be neutralized by contrary excesses. It is not so — the proof is decisive and the question is now determined.

At all epochs the periodical press has only been, and from its nature must ever be, an instrument of disorder and sedition.

How numerous and irrefutable are the proofs that may be brought to support this truth. It is by the violent and uninterrupted action of the press that we are to attribute those too sudden and too frequent changes in our internal policy. It has not permitted a regular and stable system of government to be established in France, nor that continued and strenuous efforts should be made to introduce into the various branches of public administration those ameliorations of which they are susceptible. Every ministry

since 1814, though formed under different circumstances, and actuated by different impulses, have been exposed to the same attacks, and to the same unbridled expressions of passion. Sacrifices of every kind, concessions of power, alliances of party, nothing has been able to protect them from this common destiny. This fact alone, so fertile in reflections, suffices to assign to the press, its true, and unvariable character. It labors by continuous and persevering efforts daily repeated, to loosen all the bonds of obedience and subordination, to weaken the springs of public authority, to sink and debase it in the opinion of the people, and to create for it everywhere embarrassments and resistance.

Its art consists not in substituting for a credulous submission of the mind the healthy liberty of examination, but to reduce the most positive truths to problems; not to invite a frank and useful controversy upon political questions, but to present them in a false light and to resolve them by sophisms.

The press has thus disordered the most upright minds, shaken the firmest convictions, and produced in the bosom of society a confusion of principles which favors the most disastrous attempts. Anarchy in doctrines is a prelude to anarchy in the state.

It is worthy of remark, Sire, that the periodical press has never fulfilled its most essential condition, **namely**, publicity. It may appear **strange**, but it is no less true, that there is no publicity in France, taking this word in its just and

rigorous acceptation. In the actual state of things, facts, when not entirely supposititious, are only presented to many millions of readers curtailed, disfigured, and mutilated in a most odious manner. A thick cloud raised by the journals disguises the truth, and in a measure prevents a perfect understanding between the government and the people. The kings, your predecessors, Sire, have been desirous freely to communicate with their subjects; but this is a satisfaction which the press is not willing that your Majesty should enjoy.

A licentiousness which has outstripped all bounds even upon the most solemn occasions, and neither respected the express wishes of the king nor the addresses made to them from the throne. The one has been mistaken or perverted and the others have been the subject of perfidious commentary or bitter derision. It is thus that the last act of royal authority, the proclamation, fell into general discredit even before it was known to the electors.

This is not all — the Press has a tendency to subjugate the sovereignty and usurp the powers of the state. The pretended organ of public opinion; it aspires to direct the debates in the two Chambers, and it incontestably exercises an influence upon those debates, no less baneful than decisive. This dominion in the Chamber of Deputies, especially for the last two or three years, has assumed a manifest character of oppression and tyranny. We have seen in this interval the journals pursuing with insult and outrage numbers whose vote ap-

peared to them either uncertain or suspected. Too often, Sire, the freedom of the deliberations in this Chamber has fallen a sacrifice to the renewed attacks of the press.

We cannot qualify, in more moderate terms, the conduct of the opposition journals in relation to recent events. After having themselves provoked an address, attacking the prerogatives of the throne, they have not scrupled to consider the reelection of the 221 Deputies who voted this address, as a matter of principle, notwithstanding your Majesty objected to this address as offensive; it attached public reproach to the refusal of concurrence which was there expressed; it announced its unshaken resolution not to defend the rights of your crown so openly compromised. The periodical prints have paid no attention to this — on the contrary, they have considered it a duty to renew, to perpetuate, and to aggravate the offence. Your Majesty will decide if this rash attack should a longer time remain unpunished.

• But of all the excesses of the press, perhaps the most serious remains to be mentioned. From the very commencement of the expedition, the termination of which has thrown a glory so pure, and an éclat so durable, upon the noble crown of France, the press has criticised, with a violence unheard of, the causes, the means, the preparatives, and chances of success of this expedition. Insensible to national honor, no thanks to it that our ensign does not remain tarnished with the insults of a barbarian. Indifferent

to the great interests of humanity, it does not depend upon it that Europe is no longer subject to a cruel slavery, and shameful tribute.

This was not enough. By a treason that should be amenable to our laws, the press has engaged itself in publishing all the secrets of the armament, in making known to the stranger the state of our forces, the number of our troops, that of our vessels, the indication of the points of station, the means to be employed to overcome the inconstancy of the winds, and to land upon the coast. Everything, even to the place of disembarkation, has been divulged, as if to afford a surer means of defence to the enemy, an unexampled circumstance among civilized nations. By false alarms concerning the dangers to be encountered, it has not feared to throw discouragement into the army, and to mark for its hatred even the chief of the enterprise; it has, so to speak, excited the soldiers to raise against him the standard of revolt, or to desert their colors. This is what the organs of a party, pretending itself national, have dared to do.

What it dares every day to perform in the interior of the kingdom, tends to nothing less than to disperse the elements of public tranquillity, to dissolve the bonds of society, and unless they have deceived themselves, make the earth to tremble under our feet. Let us not fear to reveal the whole extent of our troubles, that we may the better appreciate the extent of our resources. Systematized defamation, organized upon a grand scale, and di-



rected with unexampled perseverance, extends even to the most humble of the public functionaries. No one of your subjects, Sire, if he receives the least mark of confidence or satisfaction, is secure from outrage. A large net, extending over France, envelops all the public functionaries; impeached before the public, they appear in a manner shut out from society; none are spared but those whose fidelity wavers; none are praised but those whose fidelity falls a sacrifice — the rest are marked out sooner or later to be immolated to popular vengeance.

The press has not manifested less zeal in attacking, with its envenomed darts, our religion and our clergy. Its object is to root out the last germs of religious sentiments. Doubt not, Sire, but by attacking the basis of our faith, corrupting the sources of public morals, and by heaping derision and contempt upon the ministers and altars of our holy religion, that it will accomplish its purpose.

No force, we must avow, is capable of resisting so energetic a dissolvent as the press. At all periods, when its shackles have been stricken off, it has burst forth and invaded the State. Notwithstanding the diversity of circumstances and the numerous changes of individuals who have occupied the political arena, we cannot but be forcibly impressed with the similarity of its effects during the last fifteen years — in a word, it is destined to recommence the revolution, the principles of which it has so openly

proclaimed. Placed and replaced, at different intervals, under the discipline of the censure, as often as it has regained its liberty it has recommenced its interrupted work. To insure greater success it has been sufficiently aided by the Departmental press, which, by exciting jealousies and local hatreds, by sowing consternation in the bosoms of the timid and by tormenting the authorities with interminable stratagems, have exercised an almost decisive influence upon the elections.

These last effects, Sire, are momentous; the more durable results may be remarked in the morals and character of a nation. A violent, lying and passionate polemic school of scandal and licentiousness, produces serious and profound alterations: it gives a false direction to the minds of men, fills them with perversions and prejudices, diverts them from serious investigations, injures also, the progress of the Arts and the Sciences, excites among us a continually increasing fermentation, and maintains, even in the bosom of families, fatal dissensions, and may gradually conduct us back to a state of barbarism.

Against such a variety of evils, engendered by the press, law and justice are equally compelled to acknowledge their impotence. It would be superfluous to investigate the causes which have arrested and insensibly rendered useless a weapon in the hand of power. It is sufficient to interrogate experience and to remark the present condition of things.

The proceedings of the Judiciary furnish with difficulty an

efficacious repression. This truth, verified by observation, has for a long time been apparent to good minds: it has lately acquired a more marked character of evidence. To satisfy the necessity which gave rise to it, repression should be prompt and powerful — on the contrary, it has remained sluggish, feeble, and almost void; when it happens, the injury is committed and the punishment far from repairing the injury, adds to it the scandal of debate.

Juridical proceedings tire; but the seditious press never tires. The one is embarrassed because there is too much to punish, the other multiplies its forces by multiplying its delinquencies. Under different circumstances, prosecutions have had their different periods of activity or relaxation. But what imparts to the press zeal or lukewarmness on the part of the public minister, it seeks in an increase of its excesses a guarantee to their impunity.

The insufficiency, or rather the inutility of the precautions established by the laws in force, is demonstrated by the above-named facts, and it is equally established that the public security is compromised by the press. It is time, it is more than time, to arrest its ravages.

Listen, Sire, to this prolonged cry of indignation and consternation which arises from all parts of your kingdom. Moderate men, good citizens, and the friends of order, raise towards your Majesty their supplicating hands. They beseech you to preserve them from the return of those calamities under which our forefathers so long groaned. These alarms

are too real not to be heard: these wishes are too legitimate not to be listened to.

There is but one means of satisfying them, it is to return to the Constitution — if the terms of the eighth article are ambiguous, its measure is manifest. It is certain that the Constitution has not conceded the liberty of the press to journals and periodical writings. The liberty of publishing our personal opinions does not certainly imply the right of publishing by way of speculation, the opinions of others. The one is a use of a faculty that the law is at liberty to grant or to submit to restrictions; the other is a speculation of industry, which, like all others, and more than all others, supposes the supervision of public authority.

The meaning of the Constitution in this particular is exactly explained by the law, of the 21st of October, 1811; we can place the more reliance upon this as the law was presented to the Chamber the 5th of July, that is to say, one month only after the adoption of the Constitution. In 1819, an epoch when a contrary system prevailed in the Chambers, it was openly proclaimed that the periodical press was not governed by the 8th article. This fact is confirmed by the laws even which have imposed the necessity of a censure upon the journals.

Now, Sire, it only remains to be decided how this return to the Constitution and the law of the 21st of October shall be accomplished. The present serious aspect of affairs has resolved the question.

We must not deceive ourselves

— we are no longer in the ordinary condition of a representative government. The principles upon which it was established have not remained untouched amidst political vicissitudes. A turbulent democracy, which has penetrated even into our laws, is substituted for legitimate power. It disposes of the majority of elections through the means of these journals and of societies constituted with similar views, it paralyzes as much as in its power the regular exercise of the most essential prerogatives of the crown, that of dissolving the elective chamber. By that even the constitution of the State is shaken. Your Majesty alone retains the power to preserve and establish it upon its basis.

The right as well as the duty to assure its maintenance, is the inseparable attribute of sovereignty. No Government upon earth would be stable if it had not the right to provide for its own security. This law is pre-existent to all other laws, because it is founded in the nature of things. These are, Sire, maxims which acknowledge the sanction of time and the avowal of all civilians of Europe.

But these maxims have a more decided sanction, that of the constitution itself—the 14th article has invested in your Majesty a sufficient power, not certainly to change our institutions, but to consolidate and render them immutable.

Imperious necessity permits you no longer to defer the exercise of this supreme power. The moment has arrived for a recurrence to measures which are in accord-

ance with the spirit of the constitution, but, which are contrary to legal order, the whole resources of which have been uselessly expended.

These measures, Sire, which ought to insure success, your ministers do not hesitate to propose, feeling confident that justice will be assisted by power.

Your Majesty's very humble and very faithful subjects.

THE PRES. OF THE COUNCIL  
OF MINISTERS.

MINISTER OF JUSTICE,  
MINISTER OF THE INTERIOR,  
MINISTER OF MARINE,  
MINISTER OF FINANCES,  
MINISTER OF ECCLESIASTICAL  
AFFAIRS,  
MINISTER OF PUBLIC WORKS.

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#### *Decrees of the King*

Charles, by the grace of God, King of France and Navarre. To all those to whom these presents may come, greeting: Having resolved to prevent the recurrence of measures, which have exercised a pernicious influence upon the late operations of the electoral colleges: wishing in consequence, to reform according to the principles of the Constitution, those rules of election of which experience has taught the inconvenience,—we have recognised the necessity of employing the power in us vested, to provide by acts emanating from us, for the security of the State and the suppression of every enterprise directed against the dignity of the Crown. For these reasons, our Council being heard, we have ordered and we ordain:

Art. 1. Agrecable to the 15th, 36th, and 30th articles of the Constitution, the Chamber of Deputies will be composed only of Deputies of Departments.

2. The income necessary to constitute an elector and the income necessary to constitute eligibility, shall be exclusively confined to sums for which the elector and the eligible shall be personally enregistered in the rolls for imposition of direct and personal taxes in quality of proprietor or tenant.

4. The Deputies will be elected and the Chamber will be re-opened in the form and for the time fixed by the 37th article of the Constitution.

5. The electoral colleges will be divided into colleges of arrondissements and colleges of departments, always excepting the electoral colleges of departments to which only one deputy is assigned.

6. The electoral colleges of arrondissements will be composed of all the electors who have their political domicile established in the arrondissement. The electoral colleges of departments will be composed of one fourth of the electors paying the highest tax in the department.

7. The present limits of the electoral colleges of arrondissement are maintained.

8. Each electoral college of arrondissement will elect a number of candidates equal to the number of deputies of departments.

9. The college of arrondissement will be divided into as many sections as it has a right to elect candidates. This division will be

made proportionably to the number of sections and to the total number of electors of the college, having regard as much as possible to the convenience of localities and neighborhoods.

10. The sections of the electoral college of arrondissement may be assembled in different places.

11. Each section of the electoral college of arrondissement will elect a candidate and proceed separately.

12. The Presidents of the section of the electoral college of arrondissement will be named by the Prefects from among the electors of the arrondissement.

13. The college of department will elect the deputies. Half the deputies of department must be chosen from the general list of candidates proposed by the colleges of arrondissement; nevertheless, if the number of deputies of department is odd, the division shall be made without reduction of the right reserved to the college of department.

14. In case, either in consequence of omissions of double nominations, or of nominations made void, the list of candidates proposed by the colleges of arrondissement shall be incomplete if this list is thus reduced below the half of the requisite number, the college of department may elect one more deputy without reference to the list; if the list is reduced below one fourth, the college of department may elect the whole number of the deputies of department without reference to the lists.

15. The Prefects, sub-prefects and general officers commanding the military divisions and the de-

partments, are not eligible in the departments where they exercise their functions.

16. The list of electors will be determined by the prefect in council of prefecture—it shall be published five days before the meeting of the colleges.

17. Claims to the right of suffrage, not acknowledged by the prefects, shall be determined by the Chamber of Deputies at the same time that they shall determine upon the validity of the operations of the colleges.

18. In the electoral colleges of department the two eldest electors and the two electors paying the highest taxes, shall perform the functions of scrutators—the same rules will be observed in the sections of the college of arrondissement composed of more than fifty electors. In the other sections of the college, the functions of scrutator will be exercised by the oldest and highest taxed of the electors. The secretary will be named in the college of the sections of colleges, by the president and scrutators.

19. No one will be admitted in the college or section of college if he is not enrolled on the list of electors for said section. This list will be given to the president, and will remain posted in the chamber of sessions of said college during its operations.

20. All discussion or deliberation whatever in the electoral colleges is forbidden.

21. The police of the college is invested in the president. No armed force can, without his demand, be placed in the vicinity of the place of sessions. Military

commanders will be held subject to his request.

22. The elections in the colleges and sections of colleges will be decided by an absolute majority of the whole number of votes given. Nevertheless, if the elections are not terminated after twice balloting, the bureau will determine the list of those persons who shall have obtained the greatest number of suffrages at the second balloting. It shall contain double the number of names that there remain elections to be made. At the third balloting the suffrages can only be given to the persons inscribed upon the list and the nomination will be made by the relative majority.

23. The electors will vote by tickets, [bulletins deliste] each ticket will contain as many names as there are elections to be made.

24. The electors will write their vote at the bureau or they will cause it to be there written by the scrutators.

25. The name, the qualifications, and the residence of each elector, that deposits his ticket or vote, shall be inscribed by the secretary upon a list destined to verify the number of voters.

26. Each balloting shall be continued during six hours, and the votes shall be counted during the sessions.

27. A statement of the result of each session shall be drafted. This statement shall be signed by all the members of the bureau.

28. Conformably to the 46th article of the constitution, no amendment can be made to a law in the Chamber if it has been proposed or consented to by us, and

if it has not been returned to or discussed in committee.

29. All regulations opposed to the present ordinance are annulled.

30. Our ministers are charged with the execution of the present ordinance.

Given at St Cloud, the 25th of July, in the year of our Lord 1830, and the sixth of our reign. **CHARLES.**

By the King :

The President of the Council of Ministers,

Minister of Justice, **PRINCE DE POLIGNAC,**

**CHANTELAUZE.**

Minister of the Marine, **BARON D'HZUSSEZ,**

Minister of the Interior, **COUNT DE PEYRONNET.**

Minister of the Finances, **MONTBEL.**

The Minister of Ecclesiastical Affairs and of public Instruction.

**COUNT DE GEURNON RANVILLE.**

The Minister of Public Works, **CAPELLE.**

Charles — By the Grace of God, King of France, and Navarre. To all those to whom these presents may come, greeting : In accordance with the royal ordinance, bearing date of this day, relative to the organization of the Electoral Colleges, upon the report of our Minister of the Interior. We have ordained and ordain as follows :

Art. 1. The Elector Colleges shall assemble, namely, the electoral colleges of arrondissement, the sixth of September next, and the electoral colleges of Department, the 18th of the same month.

2. The Chamber of Peers and the Chamber of Deputies of Department are convoked for the 28th of the month of Sept. next.

3. Our Minister of the Interior is charged with the execution of the present ordinance.

Given at our Palace of St Cloud, the 25th of July, in the year of our Lord 1830, and the sixth of our reign.

**CHARLES.**

By the King.

The Minister of the Interior.  
**COUNT DE PEYRONNET.**

### *Liberty of the Press Abolished.*

Charles, by the grace of God, King of France and Navarre. To all those to whom these presents may come, greeting : Upon the report of our Counsel of Ministers, we have ordained and ordain as follows :

Art. 1. The liberty of the press is suspended.

2. The regulations of the first, second and ninth articles of the 1st section of the law of 21st October, 1814, are in force : consequently no journal, periodical, or semi-periodical publication, established, or to be established, without regard to the matters treated of, can appear either in Paris, or in the departments, but in virtue of authorization, obtained separately by the author and publisher. The authorization must be renewed every three months. It may be revoked.

3. This authorization may be provisionally granted, withheld or withdrawn from the journals, periodical and semi-periodical works, now published, or which may hereafter be published in the departments, by the Prefects.

4. Journals and other writings, published in contravention of the 2d article, will be immediately

seized. The presses and types, which served for their impression, will be placed under seal in a public depot, or placed hors de service.

5. No writing, under twenty sheets of impression can appear in Paris, without authorization obtained from our Minister of the Interior and of the Prefects in the Departments. Writings published without authorization will be immediately seized. The presses and types, which have served for the impression will be placed under seal in a public depot, or placed hors de service.

6. The reports of trials and the memorials of literary and scientific societies, if they treat entirely or in part of political matters, are subjected to the above-mentioned authorization, a case in which the articles prescribed by article 5th, will be applicable.

7. All regulations opposed to the present are declared null.

8. The present ordinance will be enforced in conformity to the 4th article of the ordinance of the 27th November, 1815, and of that prescribed by the ordinance of the 18th January, 1817.

9. Our Ministers are charged with the execution of these presents.

Given at our Palace of St Cloud, this 25th of July, in the year of our Lord, eighteen hundred and thirty, and of our Sovereignty the sixth.

CHARLES.

By the King :

PRINCE DE POLIGNAC,  
*President of the Council of Ministers.*

### *Dissolution of the Chamber of Deputies.*

Charles, by the grace of God King of France and Navarre. To all those to whom these presents may come, greeting : In virtue of the fiftieth article of the Constitution, having been informed of the manœuvres practised in many parts of our kingdom to deceive and mislead the electors during the last operations of the electoral colleges, our Council being heard, we have ordained and do ordain :

Art. 1. The Chamber of Deputies is dissolved.

2. Our Minister of the Interior is charged with the execution of this present ordinance.

Given at St Cloud, the 25th day of July, in the year of our Lord 1830, and the sixth of our reign.

CHARLES.

By the King :

CH. DE PEYRONNET,  
*Minister of the Interior.*

### *The Protest of the Deputies.*

The undersigned, regularly elected Deputies by the Colleges of Arrondissements, by virtue of the Royal Ordinance of the —, and conformably to the Constitutional Charter, and to the Laws relative to Electors of the —, and who are now at Paris, consider themselves as absolutely obliged, by their duties and their honor, to protest against the measures which the advisers of the Crown have lately caused to be proclaimed for the overthrow of

the legal system of the election and the ruin of the liberty of the Press. The same measures contained in the Ordinance of the —, are, in the opinion of the undersigned, directly contrary to the Constitutional rights of the Chamber of Peers, to the public rights of the French, to the attributes and to the decrees of the tribunals, and calculated to throw the State into confusion, which equally endangers the peace of the present moment and the security of the future.

In consequence, the undersigned, inviolably faithful to their oath, protest, in concert, not only against the said measures, but against all the acts which may result from them.

And considering, on the one hand, that the Chamber of Deputies, not having been constituted, could not be legally dissolved; on the other, that the attempt to form a new Chamber of Deputies in a novel and arbitrary manner, is directly opposed to the Constitutional Charter, and to the acquired rights of the electors, the undersigned declare that they still consider themselves as legally elected to the Deputation by the Colleges of the Arrondissements and Departments, whose suffrages they have obtained, and as incapable of being replaced, except by virtue of elections made according to the principles and forms prescribed by the laws. And if the undersigned do not effectively exercise the rights, nor perform all duties which they derive from their legal election, it is because they are hindered by absolute violence.

Many Deputies are expected at Paris tomorrow or the day after.

[Here follow a list of the names of sixtyfour Deputies.]

### *Proclamation of the French Deputies.*

*Frenchmen!* France is free! Absolute power has raised its standard; the heroic population of Paris has overthrown it. Paris, attacked, has made the sacred cause triumph by arms which had triumphed in vain in the elections. A power which usurped our rights and disturbed our repose, threatened at once liberty and order. We return to the possession of order and liberty. There is no more fear for acquired rights, no more barrier between us and the rights which we still want. A Government which may without dismay secure to us these advantages, is now the first want of our country. Frenchmen! Those of your Deputies who are already at Paris have assembled, and, till the Chambers can regularly intervene, they have invited a Frenchman, who has never sought but for France, the Duke of Orleans, to exercise the functions of Lieutenant General of the Kingdom. This is, in their opinion, the surest means promptly to accomplish by peace the success of the most legitimate defence. The Duke of Orleans is devoted to the national and constitutional cause. He has always defended its interests and professed its principles. He will respect our rights, for he will derive his own from us. We shall secure to ourselves, by laws, all the guar-



antecs necessary to liberty, strong and durable. The re-establishment of the National Guard, with the intervention of the National Guards in the choice of the officers. The intervention of the citizens in the formation of the departmental and municipal administrations. The jury for the transgressions of the press: the legally authorized responsibility of the ministers, and the secondary agents of the administration. The situation of the military legally secured. The re-election of Deputies appointed to public offices we shall give at length to our institutions, in concert with the head of the State, the development of which they have need.

Frenchmen! The Duke of Orleans himself has already spoken, and his language is that which is suitable to a free country. 'The Chambers,' says he, 'are going to assemble; they will consider of means to insure the reign of the laws, and the maintenance of the rights of the nation. The Charter will henceforward be a truth.'

Paris, July 31. (Noon.)

*Inhabitants of Paris!* The Deputies of France, at this moment assembled at Paris, have expressed to me the desire that I should repair to this capital, to exercise the functions of Lieutenant General of the Kingdom.

I have not hesitated to come and share your dangers, to place myself in the midst of your heroic population, and to exert all my efforts to preserve you from the calamities of civil war and of anarchy.

On returning to the city of Paris, I wore with pride those glorious colors which you have resumed, and which I myself long wore.

The Chambers are going to assemble; they will consider of the means of securing the reign of the laws and the maintenance of the rights of the nation.

The Charter will henceforward be a truth.

LOUIS PHILLIPE D'ORLEANS.

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*Ordinances of the Lieutenant General of the Kingdom.*

Paris, August 1.

Art. 1. The French nation resumes its colors. No other cockade shall hereafter be worn than the tri-colored.

2. The Commissioners charged principally with the several Departments of the Ministry, shall provide each, as far as he is concerned, for the execution of the present Ordinance.

LOUIS PHILLIPE D'ORLEANS.

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*Ordinances of the Lieutenant General of the Kingdom:*

Paris, August 2

Art. 1. The condemnations announced for political offences of the Press, remain without effect.

2. The persons confined for such offences are to be immediately set at liberty. They are also relieved from fines and other expenses, with the single exception of the duty.

The proceedings instituted up to the present day are to cease immediately.

LOUIS PHILLIPE D'ORLEANS.

The Provisional Commissary of the Department of Justice,

DUPONT (de l'Eure.)

## NETHERLANDS.

*Proclamation of the King.*

WE WILLIAM, by the Grace of God, King of the Netherlands, Prince of Orange Nassau, Grand Duke of Luxemburg, &c, to all whom these presents shall come, greeting :

Divine Providence, which has deigned to accord to this Kingdom fifteen years of peace with the whole of Europe, internal tranquillity and increasing prosperity, has just visited the two provinces with numberless calamities, and the quiet of many adjoining provinces has been either troubled or menaced. At the first news of these disasters we hasten to convoke an extraordinary meeting of the States General, which, according to the terms of the fundamental law, represent the whole people of Belgium, in order to concert with the Nobles the measures which the state of the nation and the present circumstances require.

At the same time, our two beloved sons, the Prince of Orange, and Prince Frederick of the Netherlands, were charged by us to proceed to those provinces, as well to protect, by the forces placed at their disposition, persons and property, as to assure themselves of the real state of things, and to propose to use the measures the best calculated to calm the public mind. This mission, executed with a humanity and a generosity of sentiment which the nation will appreciate, has con-

firmed to us the assurance that even when it is the most agitated, it will preserve and proclaim its attachment to our dynasty, and to the national independence; and however our hearts may be afflicted by the circumstances which have come to our knowledge, we do not abandon the hope, that, with the assistance of Divine Providence (whose succor we invoke upon this important and lamentable occasion) and the co-operation of every well-disposed man, and the good citizens, in the different parts of the kingdom, we shall succeed in restoring order, and re-establishing the agency of the legal powers and the dominion of the laws.

With this view, we calculate upon the assistance of the States General. We invite them to examine whether the evils of which the country so loudly complains, arise from any defect in the national institutions; and if it is possible to modify them, and particularly if the relations established by Treaties, and the fundamental law, between the two grand divisions of the kingdom, should, with a view to the common interest, be changed or modified.

We desire that these important questions should be examined with care and perfect freedom; and we shall think no sacrifice too great, when we have in view the fulfilment of the desires, and to insure the happiness of the

people, whose welfare has been the constant and assiduous object of our care.

But, disposed to concur with frankness and fidelity, and, by the most comprehensive and decisive measures, we are, nevertheless, resolved to maintain with firmness the legitimate rights of all the parts of the Kingdom, without distinction, and only to proceed by regular methods, and conformably with the oaths which we have taken and received.

Belgians! Inhabitants of the different divisions of this beautiful country—more than once rescued by Divine favor, and the union of the citizens, from the calamities to which it was delivered up—wait with calmness and confidence for the solution of the important questions which circumstances have raised—second the efforts of legal authority, to maintain internal tranquillity, and the execution of the laws where they have not been disturbed, and to re-establish them where they have suffered any obstruction—lend your aid to the law, so that in turn the law may protect your property, your industry, and your personal safety. Let differences of opinion vanish before the growing dangers of the anarchy, which, in several districts, presents itself under the most hideous forms, and which, if it be not prevented, or repressed by the means which the fundamental law places at the disposal of the Government, joined to those furnished by the zeal of the citizens, will strike irreparable blows at individual welfare and the national prosperity. Let the good citizens everywhere separate

their cause from that of the agitators, and let their generous efforts for the re-establishment of the public tranquillity in those places where it is still menaced, at last put a period to evils so great, so that every trace of them may be effaced.

The present shall be generally published and posted up in the usual way, and inserted in the official journal.

Done at the Hague, the 5th of September, of the year 1830 and 17th of our reign.

WILLIAM.

By the King:

J. G. DE MEY DE STREEFKERK

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*The Speech delivered by the King of the Netherlands on opening the Extraordinary Session of the States General.*

The extraordinary meeting of your High Mightinesses, which I this day open, is, by the pressure of afflictive events, become an imperative necessity.

In peace and friendship with all the nations of Europe, the Netherlands saw also the war in the Colonial Possessions happily ended. Peacefully it flourished—by order, commerce, and industry. I employed myself with the care of lightening the burthens of the people, and in the home department gradually in bringing into action the improvements which experience had pointed out—when suddenly Brussels, and following her example, several other places of the Kingdom, burst into rebellion, marked by scenes of conflagration and plunder, of which the description to this assembly would be too afflicting for my

heart, for the national feeling, and for humanity.

In expectation of the co-operation of your High Mightinesses, whose assembling was my first thought, without delay every measure dependent on me was taken to stop the course of the evil, to protect the good intentioned from the bad, and to save the Netherlands from civil war. •

To enter into the nature and origin of that which has taken place—to examine with your High Mightinesses its true character, its tendency, and probable consequences—are less the interest of our country at this moment, than to find the means by which the peace and order of the Government and laws may not only be temporarily renewed, but much more durably fixed.

But in the midst of the conflict of opinions, the excitation of passion, and the different views and interests which arise, it is a very difficult task, high and mighty lords, to reconcile my wishes for the happiness of all my subjects with the obligation of oaths. I invoke then all your wisdom—all your deliberation—all your firmness—in order that, being strengthened by the consent of the representatives of the nation, I may take, in concert with them, the measures which the safety of the country requires.

In more than one quarter an opinion has been manifested that, to attain this object, it would be desirable to proceed to a revision of the fundamental law, and even to a separation of the Provinces which Treaties and the Constitution have united.

This question, nevertheless, cannot be resolved, except in the forms prescribed by the same fundamental law, which we have solemnly sworn to observe.

It will be the principal object of the deliberation of your High Mightinesses. I desire that your opinions may be formed, and that they may also be manifested with that calmness and perfect freedom which a question of so much importance requires. For my part, animated above all other sentiments, by a desire to insure the happiness of the Belgians whom Providence has confided to my care, I am ready to concur with this Assembly in any measures likely to lead to it.

This meeting has also for its object to acquaint you that circumstances imperiously require that the Militia should remain embodied beyond the time during which, by the terms of the fundamental law, it ought to be annually exercised in arms.

The means of providing for the expenses which will result from this measure, and many others arising out of these fatal troubles, will be found for the present in the credit already opened. Its regulation shall be submitted to your deliberations in the next Ordinary Session.

Noble and Mighty Lords—I rely upon your fidelity and patriotism.

Exposed before today to the tempest of revolution, I shall neither forget the courage, the attachment, and the fidelity, which threw off the foreign yoke, re-established the national existence, and placed the sceptre in my

hands, nor the valor, which, upon the field of battle, has secured the Throne and consolidated the independence of the country.

Though entirely disposed to comply with reasonable desires, I will grant nothing to a spirit of faction, and will never consent to measures which would sacrifice the interests and prosperity of the nation to passion or violence.

To conciliate, if it be possible, every interest, is the sole wish of my heart.

#### *Abstract of Convention*

As there has of late been a good deal of discussion about the Treaties which constructed the Kingdom of the Netherlands, the source of the contributions which repaired the Belgic fortresses, and the obligations of the Allied Powers to protect the Orange family in the possession of Sovereignty, pointedly alluded to by the King of Holland at the opening of the States General, we make no apology for publishing the following abstract of all these Conventions :

July 21. 1814

*Act signed by the Secretary of State of His Royal Highness, the Prince of the Netherlands, for the acceptance of the Belgic Provinces.*

Art. 1. The union of Belgium with Holland shall be entire and complete, inasmuch that the two countries shall form only one and the same State, governed by the Constitution already established in Holland, which shall be modified by common consent, according to new circumstances.

2. There shall be no alterations

in the articles of that Constitution, which secure to all forms of religion equal protection and favor, and which guaranty the admission of every citizen, whatever be his religious creed to public offices and employments.

3. The Belgic Provinces shall be suitably represented in the Assembly of the States General, of which the ordinary sessions shall be held in time of peace alternately in a town of Holland and in a town of Belgium.

4. As all the inhabitants of the Netherlands will be thus constitutionally assimilated to each other, the different provinces shall equally enjoy all the commercial and other advantages which their respective situations require, without any restriction being imposed upon one of them for the profit of another.

5. Immediately after the union, the Provinces and town of Belgium, shall be admitted to the commerce and navigation of the colonies upon the same footing as the Provinces and Towns of Holland.

6. The burdens of the two countries, as well as the advantages, shall be common. The debts contracted up to the time of the union shall be paid out of the General Exchequer of the Netherlands.

7. Conformably to the same principles, the expenditure necessary for the establishment and preservation of the fortifications on the frontiers of the New States shall be defrayed by the General Exchequer, as it is the result of an object interesting to the safety and independence of all the provinces and the whole nation.

8. The expense of establishing and repairing the dikes shall be supplied by the districts which are most directly interested in that part of the public service, reserving the obligation of the nation in general to furnish assistance in case of extraordinary disasters. The tax is to be raised in the same mode as is now used in Holland.

These eight Articles have been guaranteed by Prussia, Austria, Russia, and England.

*Additional Article to the Convention between His Britannic Majesty and the United Provinces of the Netherlands, dated*

London, Aug. 1, 1814.

In order to provide more effectually for the defence of the State formed by the union of the Belgic Provinces with Holland, his Britannic Majesty takes upon himself, and engages to defray the following expenses :

1. The payment of one million pounds sterling to Sweden, as a compensation for rights yielded by that country to Holland.

2. A sum of \$2,000,000 to be employed in concert with the Prince Sovereign of the Netherlands, and in aid of an equal sum to be furnished by that Prince, upon the augmentation and fortification of a line of defences for the Netherlands.

To support conjointly, and in equal portions with Holland, such ulterior expenses as shall be mutually regulated and agreed upon by the above-named high contracting parties and their allies, for the purpose of consolidating and establishing finally, in a satis-

factory manner; the union of the Netherlands with Holland, under the dominion of the House of Orange; the said sum to be furnished by Great Britain as its quota, not being to exceed three million pounds sterling.

*Convention between Great Britain, the Netherlands, and Russia, signed at London, the 9th of May, 1815, relating to the Expenses incurred by the Allies in carrying on the War against France.*

1. His Majesty, the King of the Netherlands, engages to take upon himself the payment of a part of the capital, and the interest which shall be due on the 1st of January, 1816, on the Russian loan made in Holland, through the agency of the house of Hope & Co., to the amount of 22,000,000 of florins of Dutch currency. The annual interest of this sum, together with the annual payment for the extinction of the debt which it created, shall be defrayed by his Majesty, and shall become a charge of the Kingdom of the Netherlands.

His Britannic Majesty engages on his part to recommend to his Parliament to place him in a condition to take upon himself an equal share of the capital of the above-named loan, payable in the same manner.

2. The said payments on the part of their Majesties, the King of the Netherlands and the King of Great Britain, shall cease, in case the possession and sovereignty, which God forbid, of the Belgic Provinces should pass or be separated a day from the do-

minion of His Majesty the King of the Netherlands before the perfect liquidation of that debt.

The interest to be paid every year by each of these Powers is 1,250,000 florins. The sinking fund is 250,000 florins more.

*Treaty between the Netherlands and the Allies, (Great Britain, Austria, Prussia, and Russia) dated*

Vienna, May 31, 1815.

3. The ancient Duchy of Luxembourg is ceded to the King of the Netherlands, to be possessed in perpetuity and in full sovereignty. This great Duchy shall form one of the States of the Germanic Confederation, of which the King of the Netherlands shall also be a member.

The town of Luxembourg shall be considered, in a military point of view, as a fortress of the Germanic Confederation. The King of the Low Countries shall, however, have the right to name the Governor and Military Commandant of that Province, liable to the approval of the Executive power of the Confederation, and to such other conditions as it shall be judged necessary to establish, in conformity with the future Constitution of the said Confederation.

By another Treaty of the 12th of March, 1817, of the same King, with the same Courts, the following modifications were introduced :

1. A part of the pecuniary indemnity paid by France, being intended to strengthen the line of defence of the States which limit France, the King of the Netherlands shall receive for that object 60,000,000 of francs.

2. He undertakes to employ that sum on the works necessary for the defence of the frontiers of his States, conformably to the system adopted by the Allied Powers.

3. He renounces his quota of the general indemnity, and gives it up to Austria and Prussia.

4. Owing to the intervention of England, he cedes to the King of Prussia the right of naming the Governor and Commander of Luxembourg, and consents to it so long as the general garrison, which each party furnishes, shall be composed of three fourths of Prussian troops and one fourth of Belgic troops, without that cession impairing in any respect his right of sovereignty over the town and fortress of Luxembourg.

5. The administration of justice, the collection of taxes and contribution of every description, as well as every other branch of the civil administration of Luxembourg, remain exclusively in the hands of His Majesty, the King of the Netherlands.

By another convention, the force of the garrison of Luxembourg are to amount to 6000 men.

The Guard Bourgeoise is under the authority of the King of the Netherlands.

## GREECE.

*Greek Protocol, Feb. 3, 1830.**Official copy of the Conference held at London, in the Foreign Office.*

Present, the Plenipotentiaries of France, Great Britain, and Russia.

At the opening of the conference, the Plenipotentiaries of his Britanic Majesty, and of his Most Catholic Majesty, expressed to the Plenipotentiary of his Imperial Majesty, their wish to be informed in what point of view he considered the tenth article of the Treaty recently signed at Adrianople, between Russia and the Ottoman Empire — an article which has respect to the affairs of Greece. The Plenipotentiary of his Imperial Majesty declared that the tenth article of the treaty in question did not invalidate the rights of the Allies of the Emperor, shackle the deliberations of the Ministers assembled in conference at London, nor place any obstacles in the way of the arrangements which the three Courts should by common consent adjudge to be most useful, and best adapted to circumstances. After this declaration, the Plenipotentiary of his Britanic Majesty produced to the conference a joint despatch, in which the Ambassadors of Great Britain and France at Constantinople transmitted a declaration of the Porte, dated 9th of September, announcing 'that the Porte, having already adhered to the Treaty of London, now promises and engages, in addition, in the presence of the Represen-

tatives of the Powers — parties to the treaty aforesaid, to subscribe entirely to all the determinations which the conference at London may decide on relative to its execution.' The reading of this document caused a unanimous recognition of the obligation which the Alliance was under, to proceed, in the first place, to the immediate establishment of an armistice by land and sea, between the Turks and Greeks. It is resolved, in consequence, that the Plenipotentiaries of the three Courts at Constantinople, their Residents in Greece, and the Admirals in the Archipelago, shall receive, without delay, an order to demand and obtain from the contending parties, a prompt and entire cessation of hostilities.

To this effect, instructions were agreed upon, and issued to the aforesaid Plenipotentiaries and Residents, and also to the three Admirals, for the re-establishment of peace between Russia and the Porte, permitting the Russian Admiral to take part in the operations of his colleagues of England and France. The first Resolutions being agreed upon, the Members of the Conference, finding that the Ottoman declarations placed them in the position of concerting such measures as to them should appear preferable to adopt in the actual state of affairs, and being desirous of adding to the anterior dispositions of the



Alliance such ameliorations as might be most conducive to the assuring new pledges for the stability of the peace about which they were employed, have, by common consent, issued the following clauses : —

First, Greece shall form an independent state, and shall enjoy all the rights, political, administrative, and commercial, attached to complete independence.

Second, In consideration of these advantages granted to the new State, and in deference to the wish expressed by the Porte to obtain a reduction of the frontiers fixed by the Protocol of the 22d March, the line of demarcation of the Grecian boundaries, commencing at the mouth of the River Aspropotamos, shall run up that river as high as the Lake d'Anghelo Castro, crossing which, as well as those of Vrachori and Saurovitza, it shall abut to Mount Artolina, whence it shall follow the crest of Mount Olta, as far as the Gulf of Zeitoun, whence it reaches the mouth of the Sperchio. All the lands and territories situate to the south of this line, which the conference has specially indicated, shall belong to Greece ; and all the lands and territories to the north of the same line shall continue to form part of the Ottoman empire. The whole island of Negropont and the isles Du Diable shall equally belong to Greece, together with the island of Skyro and those anciently comprised under the name of the Cyclades, situate between 36 and 39 degrees of north latitude, and 26 and 29 degrees of longitude from the meridian of Greenwich.

Third, The Government of Greece shall be monarchical and hereditary, by order of primogeniture ; it shall be confided to a Prince who shall not be selected from the reigning families of the States subscribing to the Treaty of the 6th July, 1827, and who shall bear the title of Sovereign Prince of Greece. The choice of this Prince shall be the subject of ulterior communications and stipulations.

Fourth, As soon as the clauses of the present Protocol shall have been communicated to the parties interested, peace between the Ottoman Empire and Greece shall be considered as *ipso facto* established ; and the subjects of the two states shall be reciprocally treated, as respects the rights of commerce and navigation, as those of other States at peace with the Ottoman Empire and with Greece.

Fifth, Acts of Amnesty, full and entire, shall be immediately published by the Ottoman Porte and the Greek Government.

The Act of Amnesty of the Porte shall proclaim that no Greek in the whole extent of its dominions shall be deprived of his property, or disturbed in consequence of any part he may have taken in the Greek insurrection.

The Act of Amnesty of the Greek Government shall proclaim the same principle in favor of all Mussulmans or Christians who shall have taken part against its cause ; and it shall be, moreover, understood and published, that all Mussulmans who shall wish to continue to inhabit the territories and islands assigned to Greece, shall, together with their families, enjoy

invariably the most perfect security.

Sixth, The Ottoman Porte shall grant to such of its Greek subjects as shall desire to quit the Turkish territory the delay of a year, for the purpose of disposing of their property, and free egress from the country. The Greek Government shall afford the same liberty to the inhabitants of Greece who shall wish to transport themselves into the Turkish territories.

Seventh, All the Grecian forces, both by land and sea, shall evacuate the territories, places and islands which they may occupy beyond the line assigned as the limits of Greece in the 2d Article, and shall retire within the same line with the least possible delay. All the Turkish troops, by land and sea, which occupy territories, places or islands comprised within the limits above-mentioned, shall evacuate those islands, places and territories, and retire within the limits aforesaid, and equally with the least possible delay.

Eighth, Each of the three Courts shall retain the power assured to it by the 6th Article of the Treaty of 6th July, 1827, of guarantying, in concert, the preceding clauses. The execution of carrying into effect of these different acts shall become, pursuant to the aforesaid Article, the subject of ulterior stipulations between the high contracting parties. No troops belonging to either of the high contracting parties shall enter the territory of the new State without the consent of the other two subscribers to the Treaty.

Ninth, In order to avoid the collisions which can hardly fail, under existing circumstances, to arise from a contract between the Commissioners for the Greek demarcation, when they shall be engaged in tracing out the Grecian frontiers, it is agreed that this task shall be confided to British, French, and Russian Commissioners, and that each of the three Courts shall nominate one. These Commissioners, furnished with similar instructions, shall trace out the above-mentioned frontier, following with all possible accuracy the line indicated in the second article; they shall mark this line by boundary posts, and shall draw up two papers, signed by themselves, one of which shall be transmitted to the Ottoman government, the other to that of Greece. They shall be directed to complete their labors within the space of six months. In case of any difference of opinion between the Commissioners, the majority of votes shall decide.

Tenth, The provisions of the present Protocol shall be immediately transmitted to the Ottoman government by the Plenipotentiaries of the three Courts, who shall be furnished with common and joint instructions to this effect. The Residents in Greece belonging to the three Courts reserve to themselves the power of inserting the present stipulations in a formal treaty, to be signed at London, to be considered as carrying into execution that of the 6th July, 1827, and to be communicated to the European Courts, with an invitation to them to accede to it, if they shall think proper.

In conclusion—Having thus reached the end of a long and difficult negotiation, the three Courts congratulate each other sincerely on the perfect unanimity which has prevailed between them in the midst of circumstances the most delicate and important. The maintenance of this unanimity in such moments presents the best pledge of its durability; and, the three Courts flatter themselves that this union, equally firm and beneficial, will not fail to contribute to the consolidation of the peace of the whole world.

#### *Memoir of the Greek Senate,*

On the Protocol signed at London, the 3d of February (2d of January,) as well as upon the note by which this paper has been communicated to the Greek Government by the residents of the three allied Courts accredited to it.

The ardent desire of delivering itself from the yoke of a long slavery, and of recovering its independence determined the Greek nation to undertake the war against Turkey. The same sentiment during the unequal struggle inspired it with courage to face death and lent it strength to endure the most cruel privations. The Senate, seeing now that this blessing, so dear to all Greeks, is granted to them by the magnanimity, or of their august Protectors, is inspired, as well as the whole nation, with profound gratitude.

Greece had no sooner taken up arms, than, experiencing the want of order, she adopted the form of government which she then judged the most suitable to her situation. At a later period, at the Congress of Trezenc she

placed the helm of affairs for seven years in the hands of a man whom she regarded, and still regards, as worthy of her confidence. Considerations of high policy change at present this system of administration, and Greece, destined to be governed by a Monarch, is about to possess in that character his Royal Highness Prince Leopold. The choice of a wise and virtuous Prince, whose high reputation precedes him, offers to Greece, the prospect of a happy future. She rejoices at this so much the more, as she learns that his Royal Highness has nobly refused to accept the glorious and difficult task of effecting the happiness of a nation, before he has secured the assent of that nation.

The principle which has induced his Royal Highness to form so generous a resolution, as well as the uprightness of his character, are the surest guarantees of his inclination to consolidate the national liberties which Greece has consecrated in four assemblies, and which she esteems as necessary and as precious as existence itself.

Other ties, equally formed by gratitude, already attach the nation to his Royal Highness. The Greeks have learned, with emotion, the strong anxiety which he has shown to defend the principal interests of the state.

The Senate considers the extension of the boundaries as so closely connected with the real independence of Greece, it considers it so necessary for the accomplishment of the generous intentions of the Powers who signed the protocol of the 3d of

February, that it cannot refrain from making the following observations.

1st. Upon the continent the provinces which, with a population of about 100,000 souls, are to be detached from the new Greek state, have often opposed a barrier to the devastating torrent of the Ottoman troops. Upon the sea, the island of Candia, which has been exposed during nine years to all the calamities of war, — Samos, where the enemy's forces have so often been repulsed, — Ipsara and Cassos, which did not fall until after an heroic resistance, — have acted as so many bulwarks against the fleets of Byzantium and Alexandria. With what feelings will the inhabitants of these unhappy countries see that they, the first defenders of the cause, sink again into slavery, while their companions in battle are restored to liberty? Ought the one to be torn away from a soil which the Turks have never dared to tread, and the other from a land stained with their blood, which recalls the recollection of glorious victories and the names of their most illustrious chiefs? Is it not to be feared that in the excess of their despair they should renew the bloody scenes of Missolonghi and Ipsara? We know the enthusiasm with which the inhabitants of these countries are attached to their native soil, — we know also the character of these warlike races, and we shudder to think that the massacre of a whole people may soon afflict the compassionate minds of the august Sovereigns who protect us.

2d. The frontiers assigned to

the continental part of the state are neither secured by mountains of difficult access, nor by deep rivers. The Achelous and the Sperchius are, especially during the summer, small streams, fordable in several places. The boundary line, far from crossing precipices and ravines, passes over a flat and desert country, which offers no means of defence. To protect such frontiers a cordon of several thousand soldiers would be necessary, and enormous sums of money, either to raise fortifications or to procure shelter for the troops.

The island of Candia, being excluded from the Greek state, and the Archipelago remaining thus exposed on the African side, it will be necessary to keep up constantly a considerable naval force. Greece, in its present state, although possessing the provinces which are about to be separated from her, and exempt also from the expenses required by diplomatic relations, and a perfect internal organization, can hardly defray with its own revenue a third of its annual expenses. How then, will these revenues suffice when Greece shall be dismembered, and bounded by frontiers, the defence of which will require an exorbitant expenditure?

3. The provinces of Roumelia, ceded to the Porte, furnish two thirds of our land forces. If these soldiers return to their homes, Greece will be herself deprived of the sinews of her strength, — of those very arms which have so heroically defended Missolonghi and Athens. If they remain among us, placed in the

interior of the country, or upon the frontiers, will they be passive spectators of their misfortunes, or faithful observers of peace? The exclusion of the islands of Candia, of Samos, of Ipsara, of Căpos, of Scio, of Ecaria, of Patmos, of Sero, of Calymnos, of Assypalea, of Carpothos, and others, will not fail to force the emigration of men inured to war, driven to despair, who will infest the Grecian Seas, giving themselves up to piracy, favored by the proximity of so many uninhabited inlets, and of desert and undefended shores. What will then become of the rising State of Greece? Where will then be the tranquillity on land? Where will then be the security of commerce at sea? Where would independent Greece find sufficient means for keeping up a large fleet, and for paying numerous troops?

4. The detached provinces of Roumelia, far from giving important revenues to the Ottoman empire, have always served as an asylum for a free and warlike people causing to the Porte almost continual uneasiness and expense. Will not these provinces, to the independent and warlike spirit of which a new impulse has been given by nine years of war, and which is placed, it may be said, at the portal of two states, afford materials ready to be inflamed by the slightest incident, and to rekindle the fire of war which is hardly extinguished.

Let us, however, suppose every motive for a new struggle to have ceased, and the martial character of these people given up to Turkey to have been softened down :

the Turks will occupy all the strong frontiers in the mountains, and will at every moment threaten the Greek State. They will henceforth exercise an influence irreconcilable with the elevated views of the august monarchs in settling its fate.

5. Even if the Porte should sincerely desire a lasting peace, would its subjects, accustomed in every age to insubordination, quietly conform themselves to its wishes, and would not the independent Greeks of the bordering provinces, not being protected by a boundary strong by nature, be continually exposed to sudden invasions of the hordes of Albania and Asia? Where then would be the guarantee of a permanent peace between the Greeks and the Ottomans? Have even practicable means been offered to the inhabitants of the countries separated from the Greek State, of securing their property in case they should wish to renounce their country? No; for if, according to the protocol of the 3d of February, the Turkish inhabitants of the Greek State are permitted as the Greek inhabitants of the Turkish State are, to sell their property and to emigrate, it is evident that to the former, such as the Turks of Eubœa, such a sale might be possible and profitable, considering that their property is situated in a country which is destined to enjoy the benefit and advantages of a regular administration : the case would be quite otherwise with the Greeks, —with those of Acarnania, for instance, for whom such a sale would be either of trifling advan-

tage, or altogether illusory. In fact, what man in his senses would purchase the property of an Acarnanian, in a country where arbitrary power alone exists, and which is a prey to disorder?

Independently of these fatal results, the restriction of the limits will draw into independent Greece a large number of indigent persons, who, with tears of despair, will quit their native but enslaved country. Can the inhabitants of the Greek State, united as they are to them by the ties of fraternity and by solemn oaths, abandon them to their wretchedness? Can they deliver up to misery of every kind, and to the scourge of epidemic diseases, a people already so often decimated by death. Members of the Greek family, do not these unfortunate individuals merit to be relieved in their afflictions? But what are the means of relieving them? Is it by means of the national lands, or the funds of the public treasury? The national lands!

The fifth article of the Protocol states, 'The Act of Amnesty of the Porte shall proclaim, that no Greek in the whole extent of its dominions shall be liable to be deprived of his property, or in any way disturbed in consequence of the part which he may have taken in the insurrection of Greece.'

The Act of Amnesty of the Greek Government shall proclaim the same principle in favor of all the Mussulmans or Christians who may have taken part against its cause; and it shall further be understood and promulgated, that

the Mussulmans who may be desirous of continuing to inhabit the territories and islands allotted to Greece, shall preserve their properties therein,' &c.

We will not dwell upon the observation, that the amnesty which already, *de facto*, exists on the part of the Greeks, never was, and never will be otherwise than illusory on the part of the Turks. We will be silent as to the fact that the same article relating to the amnesty, makes no mention of so many Greeks, who, plunged into misery, have been sold in Turkey, and concerning whose fate it is painful to the nation to remain uninformed. We will not enter upon these subjects, although of great importance, and will only stop to examine another point which deserves most particular attention.

Does the article in question, in establishing the inviolability of the Mussulman property, foresee only two cases? The first, that of the Turks re-appearing in Greece as merchants, artisans, or proprietors of lands recently acquired by them? The second, a case like that of the Turks of Eubœa, *de facto*, proprietors of land at the moment of the execution of the protocol? Or does it also involve the restitution of properties formerly belonging to the Turks—a restitution entirely incompatible with the existence of the new State? These properties belonging of old to Greeks, usurped subsequently by the Turks during their sway, and now re-purchased at the cost of rivers of blood, have either been alienated at different periods, or mort-

gaged during the negotiations for the two London loans. They at present maintain three fourths of a nearly naked population, and are at last destined either for indemnities, or for the liquidation of ancient debts of the State contracted at home.

It would be an irreparable misfortune, a catastrophe from which Greece would never recover, if the restitution of these lands were to be attempted.

The Senate, foreseeing nothing but the most fatal results from this measure, considers itself as fulfilling a sacred duty in representing to his Royal Highness the difficulty which it has in believing that the Greek people, seeing themselves injured in their rights and dearest interests, will patiently submit to lose the fruits of their labors, and to see their present and their future welfare compromised. But supposing even that, from prudential motives, dictated by imperious circumstances, they should remain silent, would they not soon become a herd of slaves in the midst of Turks, who would be powerful enough to oppress them; since, on the one hand, according to the acts annexed to the Protocol of the 3d of February, the Ottomans will be eligible to all public employments, and since, on the other, they will, as Greek citizens, and by means of their wealth, possess the exclusive right of suffrage; would independence, this precious gift of the Allied Sovereigns, be in this case, of real benefit to Greece? What would the Greek have gained after nine years of bloody strife? Living in a desert,

among the bones of his massacred relations, he would only have legitimatized his eternal slavery.

We will say more; should even the restitution not take place, the national lands will not suffice to relieve those of our brethren who will seek an asylum among us: will not, therefore, pecuniary resources be necessary, in order to perfect and consolidate the interior organization, and to cover during several years the deficit in the revenue of the State? In the official note from the Residents of the Allied Courts which accompanied the transmission to the Greek Government of the act of the 3d of February, it is said that the loan, this new pledge of the good wishes of our protectors, will be employed in the pay and maintenance of the troops which the Sovereign Prince shall find it necessary to raise for his service. The Greeks, nevertheless, flatter themselves that the revival of letters, the encouragement of agriculture, of industry, and of commerce, the indemnities due to the navy and the army, as well as the rewards deserved by a great number of citizens, distinguished by their deeds, and plunged into misery by their patriotism, will be the first object of the paternal solicitude of his Royal Highness.

There remains but one observation more for us to make.

The Residents of the Allied Courts have announced in their official communication to the Greek Government, that a stipulation agreed to between his Most Christian Majesty and his Royal Highness, secures to the Greeks of the Western Church the en-

joyment of all political rights. This concession, conforming as it does, for the most part, to the existing laws of the country which regulate civil rights, is alone sufficient to convince us that the Greek religion is to be the prevailing one of the State.

But how great would be the national joy, if the religion to which the Greeks owe their political existence, what knowledge they possess, and the language of their ancestors, were to unite them in holy ties to his Royal Highness! How great would be their enthusiasm, if they were to see him who is to be the father of their country, offer up to the Eternal Father in their temples the same worship.

Napoli, the 10th of April, 1830.

(Signed)

The President, GEORGE SISINI.

The Sec'y, PANAJOTI SOUTZOS.

A true copy.

Napoli, (12th) 24th of April, 1830.

The Secretary for Foreign Affairs and the Commercial Navy.

(Signed)

J. Rizo.

### *Resignation of Prince Leopold.*

London, May 21, 1830.

The undersigned, after the most mature consideration, is unable to withdraw the opinion which he communicated to the Plenipotentiaries, in his Note of the 15th. He cannot admit that the answer of the President of Greece to the Residents contains a full and entire adhesion to the Protocol. In his judgment, it announces a forced submission to the will of the Allied Powers, and even that forced submission is accompanied

by reservations of the highest importance.

The President distinctly informs the Residents that the Provisional Government, according to the decrees of the Council of Argos, has no power to convey the assent of the Greek nation. That it is well known to the Residents, (who were present) that the decree in question declares, that no arrangements entered into by the Provisional Government with the Allied Powers, shall be binding upon the Greek nation till they are acknowledged and confirmed by its Representatives. That if the Representatives were called together, they would disobey the instructions of their constituents if they agreed to the propositions of the Allied Powers. But the last part of the President's note bears still more strongly on the views of the case, which the undersigned is compelled to entertain; for the President says, that with regard to the substance of the arrangement, the Government reserves to itself the power of submitting to the Prince, with the copy of the Note, such observations as they cannot conceal from him, without betraying their trust towards Greece and the Prince.

Here the undersigned feels it right to correct a mistake which might arise from the wording of the President's letter of the 6th of April.

The undersigned never gave the President reason to believe that he was likely to adopt the Greek religion. Thus are officially connected with the answer of the Provisional Government



to the residents, those observations and details of facts which the undersigned forwarded to the Plenipotentiaries on the 15th. They are most important, as announcing the opinions entertained by the Greek Senate as to the provisions of the Protocol, and their spirit and tendency is not for a moment to be mistaken or their consequences disregarded. The President expressly states, that the communication of the Protocol was received by the Senate in mournful silence—that after deliberate consultation, the Senate declared to him that they had not the power to accept the Act of the 3d of February; and that, even if they had received that power from the nation, they could not have exercised it without failing in their duty towards their brethren. That they will never consent to the President's being charged in the name and on the behalf of the nation with the execution of the Protocol. That the Allied Powers may accomplish their decisions, but that they will remain strangers to them; and that if orders are given for their execution in the Provinces, no one will obey them.

In another Despatch, dated the 22d April, ulterior to his answer to the Residents of the 16th April, to which the Plenipotentiaries allude as dissipating their fears, the President says, that the Senate at length approves of his answer to the Residents, and is occupied with an Address and a Memorial, which is to convey, according to his previous communications, their reasons for refusing to comply with the arrangements

entered into by the Allies. This Despatch, so far from dissipating the apprehensions excited by the former announcement, completely confirms them, for the President again refers to the observations which are connected with his official answers to the Residents, and the whole clearly proves to the undersigned, that the real and unbiassed opinion of the Greek Senate and people is firmly and irrevocably hostile to the decisions of the Allied Powers. The documents referred to are annexed to the present note, and marked, A. B. C. The undersigned does not conceive it consistent with his character and feelings to submit to be thus forced on an unwilling people, and to be connected in their minds with a diminished territory—the abandonment of their brethren in arms, and the evacuation of their lands and houses, from which hitherto the Turks have never expelled them but by a temporary incursion—these results the undersigned always apprehended. In his communication with the First Lord of the Treasury, of the 9th of February, he protested against going out to govern the Greeks, in pursuance of a Treaty which might also lead to the bloodshed and murder of their brethren. He objected to the new boundaries as weak and insecure, in a military point of view, and claimed for the Greeks the right of opposing his nomination.

The undersigned must here observe, that at no period of these negotiations have any steps been taken towards the drawing up of a Treaty, of which the Protocol

was never considered by him but as the basis, and to the importance of which he drew the Duke of Wellington's attention in the same note. If this Treaty has been delayed, it has been delayed by no fault of the undersigned. He never concealed from the Plenipotentiaries, that however he might be willing to make great sacrifices for the advantage of Greece, they had no right to expect that he would ever go to that country without that security for himself and the Greeks which could alone be found in the provisions of a solemn and ratified Treaty. Again, in his memorandum of the 8th of March, he expressed himself in equally decisive terms, asserted that it would be necessary to conquer the ceded provinces from the Greeks, in order to give them to the Turks, and that the new Sovereign could not begin his reign by measures of police in order to make the Greeks abandon their own homes.

If the Greek Senate had either expressed no opinion at all, or at least in such language as might admit the reasonable hope of their acquiescence in these measures, the undersigned might have, however unwillingly, consented to become the instrument of carrying the decisions of the Allied Powers into execution, and have endeavored, as much as possible, to alleviate their rigors and obviate their tendency. But their language is as uncompromising as their feelings are natural.

The undersigned is thus placed in this painful position in consequence of his nomination being, by the same act, connected with their

compulsory measures. His first act as a Sovereign will have to be either to compel his own subjects by force of foreign arms to submit to the cession of their estates and properties to their enemies, or to join with them in resisting or evading a part of that very Treaty which places him on the Throne of Greece.

That one or the other alternative will be forced upon him is certain, because the country between the two lines — Acarnania and part of Etolia, which is now to be given up to the Turks — is, together with the fortresses, in the peaceable possession of the Greeks. It is the country from which Greece can best supply herself with timber for building ships — it is the country which has furnished the best soldiers during the war. The chief military leaders of the Greeks have been of Acarnanian or Etolian families. Subsequently to the arrival in Greece of the Protocol of the 22d of March, 1829, and the publication of the assent of the Turks to the excluded frontier in the Treaty of Adrianople, all the families which had survived the war returned and commenced rebuilding their houses and towns, and cultivating their lands; these people will never submit again to the Turkish yoke without resistance, and the other Greeks will not — cannot — abandon them to their fate.

In these circumstances, the duty which the undersigned has to perform towards Greece is clear and straight-forward. Throughout the whole of their transactions he has only contemplated the interests of

that country, and has uniformly protested both in his written communications and his personal interviews with the Ministers of England and the Plenipotentiaries of the Allied Courts, against the Greeks being forced into arrangements, considered by them as contrary to their wishes, and destructive of those rights which, as the President justly observes, their great sacrifices gave them a right to insist upon.

When the undersigned contemplated the high distinction of becoming Sovereign of Greece, it was with the hope of being acknowledged freely and unanimously by the Greek nation, and welcomed by them as the friend through whose means their long and heroic struggles were to be repaid, by the security of their territories, and the establishment of their independence on a permanent and honorable basis.

It is with the deepest regret that the undersigned sees these hopes annihilated, and is forced to declare that the arrangements

of the Allied Powers, and the opposition of the Greeks, deprive him of the power of effecting this sacred and glorious object; and would impose on him an office of a very different character — that of a Delegate of the Three Allied Courts, appointed by them to hold Greece in subjection by the force of their arms. Such a measure would be as repugnant to his feelings and injurious to his character, as it is in direct opposition to the objects of the Treaty of the 6th of July, in which the three Powers are associated for the purpose of obtaining the pacification of the East.

The undersigned, therefore, formally resigns into the hands of the Plenipotentiaries, a trust which circumstances no longer permits him to execute with honor to himself, benefit to Greece, or advantage to the general interests of Europe.

He begs the Plenipotentiaries to accept, &c.

LEOPOLD PRINCE DE SAXE.

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## • ACTS

### *Passed at the First Session of the Twentyfirst Congress of the • United States.*

N. B. The titles only of private acts and appropriation bills, are given ; and the dates of approval refer back to the last preceding dates.

Andrew Jackson, President    John C. Calhoun, Vice President and President of the Senate.    Andrew Stevenson, Speaker of the House of Representatives.

CHAP. 1. An Act, making an appropriation for repairing and fitting out the Frigate Brandywine.  
Approved December 29, 1829.

CHAP. 2. An Act to authorize the exchange of certain lots of Land between the University of Michigan Territory and Martin Baum and others.

CHAP. 3. An Act to extend the time for locating certain donations in Arkansas.

CHAP. 4. An Act for the relief of Elijah Carr.  
Approved January 13, 1830.

CHAP. 5. An Act, making appropriations for certain arrearages in the Naval service for the year one thousand eight hundred and twenty-nine.

CHAP. 6. An Act for the relief of Lewis Schrack.

CHAP. 7. An Act for the relief of Joel Byington.

CHAP. 8. An Act for the relief of Nathaniel B. Wood.

CHAP. 9. An Act for the relief of Theophilus Cooksey.  
Approved January 30, 1830.

CHAP. 10. An Act making appropriations for the payment of Revolutionary and Invalid Pensioners.  
Approved February 3, 1830.

CHAP. 11. An Act to alter the time of holding the Circuit Court of the United States for the District of Maryland.

CHAP. 12. An Act authorizing the Accounting Officers of the Treasury Department to pay to the State of Pennsylvania a debt due that State by the United States.

CHAP. 13. An Act to amend 'An Act to continue a copy right of John Howlett.'

CHAP. 14. An Act to authorize Surveyors, under the direction of the Secretary of the Treasury to enrol and license ships or vessels to be employed in the coasting trade and fisheries.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, after the passage of this act, the Secretary of the Treasury be, and he is hereby, invested with powers to authorize the Surveyor of any port of delivery, under such regulations as he shall deem necessary, to enrol and license ships or vessels to be employed in the coasting trade and fisheries, in like manner as Collectors of ports of entry are now authorized to do, under existing laws.

SECT. 2. *And be it further enacted,* That any Surveyor who shall perform the duties directed to be performed by the first section of this act, shall be entitled to receive the same commissions and fees, as are now allowed by law to Collectors for performing the same duties, and no more.

CHAP. 15. An Act for the relief of the Widow and Children of Benjamin W. Hopkins.

CHAP. 16. An Act for the relief of Nancy Dolan.

CHAP. 17. An Act for the relief of the Churchwardens of Elizabeth City Parish, in the State of Virginia.

CHAP. 18. An Act for the relief of Joseph Dixon.

CHAP. 19. An Act for the relief of Orson Sparks and John Watson.

CHAP. 20. An Act for the relief of James D. Cobb.

CHAP. 21. An Act for the relief of William Jacobs.

CHAP. 22. An Act for the relief of John Long.

CHAP. 23. An Act for the relief of Peter Ford.

CHAP. 24. An Act for the relief of the legal representatives of Benjamin Clark, deceased.

Approved February 11, 1830.

CHAP. 25. An Act to continue in force an act authorizing the importation and allowance of drawback on brandy in casks of a capacity not less than fifteen gallons.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act entitled 'an act to authorize the importation of brandy in casks of a capacity not less than fifteen gallons, and the exportation of the same for the benefit of a drawback on the duties,' approved second March, one thousand eight hundred and twentyseven, be and the same is hereby, continued in force.

CHAP. 26. An Act making appropriations for the Indian Department for the year one thousand eight hundred and thirty.

CHAP. 27. An Act making appropriations for certain Fortifications for the year one thousand eight hundred and thirty.

CHAP. 28. An Act for the relief of Ezra Thurber and the legal representatives of Gideon King.

CHAP. 29. An Act for the benefit of Elijah L. Clarke, of Louisiana, and of the heirs and legal representatives of Lewis Clarke, deceased.

Approved February 27, 1830.

CHAP. 30. An Act making appropriations for the Military Service for the year one thousand eight hundred and thirty.

CHAP. 31. An Act making appropriations for the Naval Service for the year one thousand eight hundred and thirty.  
Approved March 11, 1830.

CHAP. 32. An Act making appropriations for the support of Government for the year one thousand eight hundred and thirty.

CHAP. 33. An Act for the relief of Richard Biddle, administrator of John Wilkins, Jun., formerly Quartermaster General of the Army of the United States.

Approved March 13, 1830.

CHAP. 34. An Act for the further regulation of vessels bound up James River, in the State of Virginia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act, it shall not be necessary for any vessel bound up James River, in the State of Virginia, to stop in Hampton Roads, to deposit a manifest with the Collector at Norfolk.

SECT. 2. *And be it further enacted,* That it shall be the duty of the master of the revenue cutter on that station, under the orders of the Secretary of the Treasury, to board all such vessels, to endorse their manifests and to place an officer on board of each vessel bound up James River, having a cargo from a foreign port.

SECT. 3. *And be it further enacted,* That whenever there shall be no revenue cutter on that station for the purpose of boarding vessels, or when the state of the weather may be such as to render it impracticable to send an officer on board any vessel bound up James River, having a cargo from a foreign port, the captain is hereby authorized and directed to deposit, with the Surveyor at Hampton, a copy of the manifest of the cargo on board said vessel.

CHAP. 35. An Act to continue in force 'An Act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof,' and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act of the twenty-second of May, one thousand eight hundred and twentyix, entitled 'An Act authorizing certain soldiers in the late

war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, he, and the same is hereby, continued in force for the term of five years. And the provisions of the above recited act shall be, and are hereby, extended to those having like claims in the States of Illinois and Missouri.

CHAP. 36. An Act for the relief of Antoine Prudhomme, Louis Closeau and Gilbert Closeau, of Louisiana.

CHAP. 37. An Act for the relief of the heirs of John Pierre Landureau, deceased.

CHAP. 38. An Act for the relief of Hyacinth Bernard.

CHAP. 39. An Act to provide for taking the fifth Census or enumeration of the inhabitants of the United States.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Marshals of the several Districts of the United States, and of the District of Columbia, and of the Territories of Michigan, Arkansas and of Florida, respectively, shall be, and are hereby, required, under the direction of the Secretary of the Department of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective Districts and Territories, (omitting, in such enumeration, Indians not taxed), to be taken, according to the directions of this act. The said enumeration shall distinguish the sexes of all free white persons, and ages of the free white males and females, respectively, under five years of age; those of five and under ten years of age; those of ten years and under fifteen; those of fifteen and under twenty; those of twenty and under thirty; those of thirty and under forty; those of forty and under fifty; those of fifty and under sixty; those of sixty and under seventy; those of seventy and under eighty; those of eighty and under ninety; those of ninety and under one hundred; those of one hundred and upwards; and shall further distinguish the number of those free white persons included in such enumeration, who are deaf and dumb, under the age of fourteen years; and those of the age of fourteen years and under twenty-five, and of the age of twenty-five years and upwards; and shall further distinguish the number of those

enumeration, who are blind. The said enumeration shall distinguish the sexes of all free colored persons, and of all other colored persons bound to service for life, or for a term of years, and the ages of such free and other colored persons, respectively, of each sex, under ten years of age; those of ten and under twenty-four; those of twenty-four and under thirty-six; those of thirty-six and under fifty-five; those of fifty-five and under one hundred; and those of one hundred and upwards; and shall further distinguish the number of those free colored and other colored persons, included in the foregoing, who are deaf and dumb, without regard to age, and those who are blind. For effecting which, the Marshals aforesaid shall have power, and are hereby required, to appoint one or more assistants in each city and county in their respective Districts and Territories, residents of such city or county for which they shall be appointed, and shall assign to each of the said assistants a certain division of territory, which division shall not consist, in any case of more than one county but may include one or more towns, townships, wards, hundreds, precincts, or parishes, and shall be plainly and distinctly bounded; the said enumeration shall be made by an actual inquiry by such Marshals or assistants, at every dwelling house, or by personal inquiry of the head of every family. The Marshals and their assistants shall, respectively, before entering on the performance of their duty under this act, take and subscribe an oath or affirmation, before some Judge or Justice of the Peace, resident within their respective Districts or Territories, for the faithful performance of their duties. The oath or affirmation of the Marshal shall be as follows: 'I, A. B., Marshal of the District (or Territory) of —, do solemnly swear (or affirm), that I will truly and faithfully cause to be made, a full and perfect enumeration and description of all persons resident within my District (or Territory), and return the same to the Secretary of State, agreeably to the directions of an act of Congress, entitled "An Act to provide for taking the fifth Census, or enumeration of the inhabitants of the United States," according to the best of my ability.' The oath or affirmation of an assistant shall be as follows: 'I, A. B., appointed an assistant to the Marshal of the District (or Territory), of —, do solemnly swear (or affirm), that I will make a just, faithful and perfect enumeration and de-

scription of all persons, resident within the division assigned to me for that purpose, by the Marshal of the District (or Territory), of —, and make due return thereof to the said Marshal, agreeably to the directions of an act of Congress, entitled "An Act to provide for taking the fifth Census, or enumeration of the inhabitants of the United States," according to the best of my ability, and that I will take the said enumeration and description by actual inquiry at every dwelling house within said division, or personal inquiry of the head of every family, and not otherwise." The enumeration shall commence on the first day in June, in the year one thousand eight hundred and thirty, and shall be completed and closed within six calendar months thereafter. the several assistants shall, within the said six months, and on or before the first day of December, one thousand eight hundred and thirty, deliver to the Marshals, by whom they shall be appointed, respectively, two copies of the accurate returns of all persons, except Indians not taxed, to be enumerated, as aforesaid, within their respective divisions; which returns shall be made in a schedule, the form of which is annexed to this act, and which shall distinguish, in each county, city, town, township, ward, precinct, hundred, district or parish, according to the civil divisions of the States or territories, respectively, the several families, by the name of their master, mistress, steward, overseer, or other principal persons therein.

SECT. 2. *And be it further enacted,* That every assistant failing or neglecting to make a proper return, or making a false return of the enumeration to the Marshal, within the time limited by this act, shall forfeit the sum of two hundred dollars, recoverable in the manner pointed out in the next section of this act.

SECT. 3. *And be it further enacted,* That the Marshals shall file one copy of each of the several returns aforesaid, and also an attested copy of the aggregate amount hereinafter directed to be transmitted by them respectively to the Secretary of State, with the clerks of their respective District, or Superior Courts, as the case may be, who are hereby directed to receive, and carefully to preserve, the same; and the Marshals, respectively, shall, on or before the first day of February, in the year one thousand eight hundred and thirtyone, transmit to the Secretary of State, one copy of the several returns received from each assistant, and also the aggregate amount of each

description of persons within their respective Districts or Territories; and every Marshal failing to file the returns of his assistants, or the returns of any of them, with the clerks of the respective Courts, as aforesaid, or failing to return one copy of the several returns received from each assistant, and also the aggregate amount of each description of persons, in their respective Districts or Territories, as required by this act, and as the same shall appear from said returns to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of one thousand dollars; which forfeiture shall be recoverable in the Courts of the Districts or Territories where the said offences shall be committed, or within the Circuit Courts held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but, where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use, and, for the more effectual discovery of such offences, the Judges of the several District Courts, in the several Districts, and of the Supreme Courts, in the Territories of the United States, as aforesaid, at their next session, to be held after the expiration of the time allowed for making the returns of the enumeration, hereby directed, to the Secretary of State, shall give this act in charge to the Grand Juries, in their respective Courts, and shall cause the returns of the several assistants, and the said attested copy of the aggregate amount, to be laid before them for their inspection. And the respective clerks of the said Courts shall, within thirty days after the said original returns shall have been laid before the Grand Juries aforesaid, transmit and deliver all such original returns, so filed, to the Department of State.

SECT. 4. *And be it further enacted,* That every assistant shall receive at the rate of one dollar and twentyfive cents for every hundred persons by him returned, where such persons reside in the country; and where such persons reside in a city or town, containing more than three thousand persons, such assistant shall receive at the same rate for three thousand, and at the rate of one dollar and twentyfive cents for every three hundred persons over three thousand, residing in such city or town; but where, from the dispersed situation of the inhabitants, in some divisions, one dollar and

twentyfive cents will not be sufficient for one hundred persons, the Marshals, with the approbation of the Judges of their respective Districts or Territories, may make such further allowance to the assistants, in such divisions as shall be deemed an adequate compensation: *Provided*, That the same does not exceed one dollar and seventyfive cents for every fifty persons by them returned: *Provided*, further, That before any assistant, as aforesaid, shall, in any case, be entitled to receive said compensation, he shall take and subscribe the following oath or affirmation, before some Judge or Justice of the Peace, authorized to administer the same, to wit: 'I, A. B., do solemnly swear (or affirm), that the number of persons set forth in the return made by me, agreeably to the provisions of the act, entitled 'An Act to provide for taking the fifth Census or enumeration of the inhabitants of the United States,' have been ascertained by an actual inquiry at every dwelling house, or a personal inquiry of the head of every family, in exact conformity with the provisions of said act; and that I have, in every respect, fulfilled the duties required of me by said act, to the best of my abilities; and that the return aforesaid is correct and true, according to the best of my knowledge and belief.' The compensation of the several Marshals shall be as follows:

The Marshal of the District of Maine, three hundred dollars.

The Marshal of the District of New Hampshire, three hundred dollars.

The Marshal of the District of Massachusetts, three hundred and fifty dollars.

The Marshal of the District of Rhode Island, two hundred dollars.

The Marshal of the District of Vermont, three hundred dollars.

The Marshal of the District of Connecticut, two hundred and fifty dollars.

The Marshal of the Southern District of New York, three hundred dollars.

The Marshal of the Northern District of New York, three hundred dollars.

The Marshal of the District of New Jersey, two hundred and fifty dollars.

The Marshal of the Eastern District of Pennsylvania, three hundred dollars.

The Marshal of the Western District of Pennsylvania, three hundred dollars.

The Marshal of the District of Delaware, one hundred and fifty dollars.

The Marshal of the District of Maryland, three hundred and fifty dollars.

The Marshal of the Eastern District of Virginia, three hundred dollars.

The Marshal of the Western District of Virginia, three hundred dollars.

The Marshal of the District of Kentucky, three hundred and fifty dollars.

The Marshal of the District of North Carolina, three hundred and fifty dollars.

The Marshal of the District of South Carolina, three hundred and fifty dollars.

The Marshal of the District of Georgia, three hundred and fifty dollars.

The Marshal of the District of East Tennessee, two hundred dollars.

The Marshal of the District of West Tennessee, two hundred dollars.

The Marshal of the District of Ohio, four hundred dollars.

The Marshal of the District of Indiana, two hundred and fifty dollars.

The Marshal of the District of Illinois, two hundred dollars.

The Marshal of the District of Mississippi, two hundred dollars.

The Marshals of the Districts of Louisiana, one hundred and twentyfive dollars each.

The Marshal of the District of Alabama, two hundred and fifty dollars.

The Marshal of the District of Missouri, two hundred dollars.

The Marshal of the District of Columbia, one hundred dollars.

The Marshal of the Michigan Territory, one hundred and fifty dollars.

The Marshal of the Arkansas Territory, one hundred and fifty dollars.

The Marshals of the Territory of Florida, respectively, one hundred dollars.

SECT. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family, on the said first day in June one thousand eight hundred and thirty, shall be returned as of such family; and the name of every person who shall be an inhabitant of any District or Territory, without a settled place of residence, shall be inserted in the column of the schedule which is allotted for the heads of families, in the division where he or she shall be, on the said first day in June; and every person or occasionally absent at the time of enumeration, as belonging to the place in which he or she usually resides in the United States.

SECT. 6. *And be it further enacted*, That each and every free person, more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district or territory, made or established within the United States, shall be, and hereby is, obliged to render to the assistant of the division, if required, a true account, to the best of his or her knowledge, of



every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered, in any action of debt, by such assistant; the one half to his own use, and the other half to the use of the United States.

**SECT. 7.** *And be it further enacted,* That each and every assistant, previous to making his return to the Marshal, shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies, the said assistant shall be entitled to receive five dollars: *Provided,* proof of the schedule having been set up, shall be transmitted to the Marshal, with the return of the number of persons; and, in case any assistant shall fail to make such proof to the Marshal, with the return of the number of persons, as aforesaid, he shall forfeit the compensation allowed him by this act.

**SECT. 8.** *And be it further enacted,* That the Secretary of State shall be, and hereby is, authorized and required to transmit to the Marshals of the several Districts and Territories, regulations and instructions, pursuant to this act, for carrying the same into effect; and also the forms contained therein, of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories, to be administered by the several persons to be employed in taking the enumeration.

**SECT. 9.** *And be it further enacted,* That those States composing two Districts, and where a part of a County may be in each District, such County shall be considered as belonging to that District in which the Court house of said County may be situate.

**SECT. 10.** *And be it further enacted,* That in all cases where the superficial content of any County or Parish, shall exceed twenty miles square, and the number of inhabitants in said Parish or County shall not exceed three thousand, the Marshals or assistants shall be allowed, with the approbation of the Judges of the respective Districts or Territories, such further compensation as shall be deemed reasonable: *Provided,* the same does not exceed four dollars for every fifty persons by them returned; and when any such County or Parish shall exceed forty miles square, and the number of inhabitants in the same shall not exceed three thousand, a like allowance

shall be made, not to exceed six dollars for every fifty persons so returned.

**SECT. 11.** *And be it further enacted,* That when the aforesaid enumeration shall be completed, and returned to the office of the Secretary of State by the Marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of Congress, three thousand copies of the aggregate returns received from the Marshals: *And provided* that if any Marshal, in any District, within the United States, or Territories, shall, directly, or indirectly, ask, demand or receive, or contract to receive, of any assistants to be appointed by him under this act, any fee, reward or compensation, for the appointment of such assistant to discharge the duties required of such assistant under this act, or retain from such assistant any portion of the compensation allowed to the assistant by this act, the said Marshal shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay the amount of five hundred dollars, for each offence, to be recovered by suit or indictment in any Circuit or District Court of the United States, or the Territories thereof, one half to the use of the Government and the other half to the informer; and all contracts which may be made in violation of this law, shall be void, and all sums of money, or property, paid, may be recovered back by the party paying the same, in any Court having jurisdiction of the same.

**SECT. 12.** *And be it further enacted,* That there shall be allowed and paid to the Marshals of the several States, Territories and the District of Columbia, the amount of postage by them respectively paid on letters relating to their duties under this act.

**SECT. 13.** *And be it further enacted,* That the President of the United States is hereby authorized to cause to be made a careful revision of the statements heretofore transmitted to Congress, of all former enumerations of the population of the United States and their Territories, and to cause an abstract of the aggregate amount of population in each State and Territory to be printed by the printer to Congress (designating the number of inhabitants of each description, by counties or parishes), to the number of two thousand copies, which said copies shall be distributed as Congress shall hereafter direct, and for that purpose, the sum of two thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved March 23, 1830.

## ACTS OF TWENTYFIRST CONGRESS.—1st Session. [211

CHAP. 40. An Act making appropriations to carry into effect certain Indian Treaties.

CHAP. 41. An Act to provide for the payment of sundry citizens of the Territory of Arkansas, for trespasses committed on their property by the Osage Indians in the years one thousand eight hundred and sixteen, one thousand eight hundred and seventeeh and one thousand eight hundred and twenty-three.

Approved March 25, 1830.

CHAP. 42. An Act for the relief of Abigail Appleton.

Approved March 3, 1830.

CHAP. 43. An Act for the relief of Elizabeth Mays.

CHAP. 44. An Act for the relief of Henry Dickens and others.

CHAP. 45. An Act for the relief of Cread Glover.

CHAP. 46. An Act for the relief of Francis Compaet.

CHAP. 47. An Act for the relief of Thomas Buford.

Approved March 25, 1830.

CHAP. 48. An Act for the relief of the purchasers of Public Lands and for the suppression of fraudulent practices at the public sales of the Lands of the United States.

*SECT. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all purchasers, their heirs or assignees of such of the public lands of the United States as were sold on a credit, and on which a further credit has been taken, under any of the laws passed for the relief of purchasers of public lands, and which lands have reverted to the United States, on account of the balance due thereon not having been paid or discharged agreeably to said relief laws, such persons may avail themselves of any one of the three following provisions contained in this section, to wit: First, They shall have a right of pre-emption of the same lands, until the fourth day of July, one thousand eight hundred and thirtyone, upon their paying into the proper office the sum per acre therefor, which shall, at the time of payment, be the minimum price per acre of the public lands of the United States, in addition to the amount heretofore paid thereon, and forfeited: *Provided*, That the price, including what has already been*

*paid and the amount to be paid, shall not, in any case, exceed three dollars and fifty cents per acre: Second, They shall have the right of completing the payment of said lands, by paying the balance of the principal debt due thereon, in cash, subject to a deduction of thirty-seven and a half per cent, as heretofore, at any time previous to the fourth day of July, one thousand eight hundred and thirtyone: Third, They shall have the right, within nine months from the passage of this act, in all cases where the price for which said lands were sold did not exceed two dollars and fifty cents per acre, to draw scrip for the amount paid thereon, in the manner prescribed in the act, approved the twentythird day of May, one thousand eight hundred and twentyeight, entitled 'An Act for the relief of purchasers of public lands that have reverted for non-payment of the purchase money,' and which scrip shall be receivable in the same manner as directed by said act, except only that it shall not be taken in payment for lands hereafter bought at public sale.*

*SECT. 2. And be it further enacted, That all purchasers, their heirs or assignees, of such of the public lands of the United States as were sold on credit, and which lands have, by such persons, been relinquished under any of the laws passed for the relief of purchasers of public lands, and the amount paid thereon applied in payment of other lands retained by them, and which relinquished lands, or any part thereof, may now be in possession of such persons; or in case the certificate of purchase, and part payment of said lands, has been transferred by the persons now in possession of said lands, or part thereof, or the persons under whom the present occupants may hold such possession, to some other person not in possession thereof, and the payment made thereon applied by such other person, or his assignee, in payment for land held in his own name In either case, the persons so in possession shall have the right of pre-emption of the same lands, according to the legal subdivisions of sections, not exceeding the quantity of two quarter sections, in contiguous tracts until the fourth of July, one thousand eight hundred and thirtyone, upon their paying into the proper office the sum per acre therefor, which shall at the time of payment, be the minimum price per acre of the United States public lands; and in addition thereto, the same amount per acre heretofore paid thereon, and applied to other*

every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered, in any action of debt, by such assistant; the one half to his own use, and the other half to the use of the United States.

SECT. 7. *And be it further enacted*, That each and every assistant, previous to making his return to the Marshal, shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies, the said assistant shall be entitled to receive five dollars: *Provided*, proof of the schedule having been set up, shall be transmitted to the Marshal, with the return of the number of persons; and, in case any assistant shall fail to make such proof to the Marshal, with the return of the number of persons, as aforesaid, he shall forfeit the compensation allowed him by this act.

SECT. 8. *And be it further enacted*, That the Secretary of State shall be, and hereby is, authorized and required to transmit to the Marshals of the several Districts and Territories, regulations and instructions, pursuant to this act, for carrying the same into effect; and also the forms contained therein, of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories, to be administered by the several persons to be employed in taking the enumeration.

SECT. 9. *And be it further enacted*, That those States composing two Districts, and where a part of a County may be in each District, such County shall be considered as belonging to that District in which the Court house of said County may be situate.

SECT. 10. *And be it further enacted*, That in all cases where the superficial content of any County or Parish, shall exceed twenty miles square, and the number of inhabitants in said Parish or County shall not exceed three thousand, the Marshals or assistants shall be allowed, with the approbation of the Judges of the respective Districts or Territories, such further compensation as shall be deemed reasonable: *Provided*, the same does not exceed four dollars for every fifty persons by them returned; and when any such County or Parish shall exceed forty miles square, and the number of inhabitants in the same shall not exceed three thousand, a like allowance

shall be made, not to exceed six dollars for every fifty persons so returned.

SECT. 11. *And be it further enacted*, That when the aforesaid enumeration shall be completed, and returned to the office of the Secretary of State by the Marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of Congress, three thousand copies of the aggregate returns received from the Marshals: *And provided* that if any Marshal, in any District, within the United States, or Territories, shall, directly, or indirectly, ask, demand or receive, or contract to receive, of any assistants to be appointed by him under this act, any fee, reward or compensation, for the appointment of such assistant to discharge the duties required of such assistant under this act, or shall retain from such assistant any portion of the compensation allowed to the assistant by this act, the said Marshal shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay the amount of five hundred dollars, for each offence, to be recovered by suit or indictment in any Circuit or District Court of the United States, or the Territories thereof, one half to the use of the Government and the other half to the informer; and all contracts which may be made in violation of this law, shall be void, and all sums of money, or property, paid, may be recovered back by the party paying the same, in any Court having jurisdiction of the same.

SECT. 12. *And be it further enacted*, That there shall be allowed and paid to the Marshals of the several States, Territories and the District of Columbia, the amount of postage by them respectively paid on letters relating to their duties under this act.

SECT. 13. *And be it further enacted*, That the President of the United States is hereby authorized to cause to be made a careful revision of the statements heretofore transmitted to Congress, of all former enumerations of the population of the United States and their Territories, and to cause an abstract of the aggregate amount of population in each State and Territory to be printed by the printer to Congress (designating the number of inhabitants of each description, by counties or parishes), to the number of two thousand copies, which said copies shall be distributed as Congress shall hereafter direct, and for that purpose, the sum of two thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved March 23, 1830.

# ACTS OF TWENTYFIRST CONGRESS.—1st Session. [211

CHAP. 40. An Act making appropriations to carry into effect certain Indian Treaties.

CHAP. 41. An Act to provide for the payment of sundry citizens of the Territory of Arkansas, for trespasses committed on their property by the Osage Indians in the years one thousand eight hundred and sixteen, one thousand eight hundred and seventeen and one thousand eight hundred and twenty-three.

Approved March 25, 1830.

CHAP. 42. An Act for the relief of Abigail Appleton.

Approved March 3, 1830.

CHAP. 43. An Act for the relief of Elizabeth Mays.

CHAP. 41. An Act for the relief of Henry Dickins and others.

CHAP. 45. An Act for the relief of Cread Glover.

CHAP. 46. An Act for the relief of Francis Compere.

CHAP. 47. An Act for the relief of Thomas Buford.

Approved March 25, 1830.

CHAP. 48. An Act for the relief of the purchasers of Public Lands and for the suppression of fraudulent practices at the public sales of the Lands of the United States.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all purchasers, their heirs or assignees of such of the public lands of the United States as were sold on a credit, and on which a further credit has been taken, under any of the laws passed for the relief of purchasers of public lands, and which lands have reverted to the United States, on account of the balance due thereon not having been paid or discharged agreeably to said relief laws, such persons may avail themselves of any one of the three following provisions contained in this section, to wit: First, They shall have a right of pre-emption of the same lands, until the fourth day of July, one thousand eight hundred and thirtyone, upon their paying into the proper office the sum per acre therefor, which shall, at the time of payment, be the minimum price per acre of the public lands of the United States, in addition to the amount heretofore paid thereon, and forfeited: *Provided*, That the price, including what has already been

paid and the amount to be paid, shall not, in any case, exceed three dollars and fifty cents per acre: Second, They shall have the right of completing the payment of said lands, by paying the balance of the principal debt due thereon, in cash, subject to a deduction of thirty-seven and a half per cent, as heretofore, at any time previous to the fourth day of July, one thousand eight hundred and thirtyone: Third, They shall have the right, within nine months from the passage of this act, in all cases where the price for which said lands were sold did not exceed two dollars and fifty cents per acre, to draw scrip for the amount paid thereon, in the manner prescribed in the act, approved the twentythird day of May, one thousand eight hundred and twentyeight, entitled 'An Act for the relief of purchasers of public lands that have reverted for non-payment of the purchase money,' and which scrip shall be receivable in the same manner as directed by said act, except only that it shall not be taken in payment for lands hereafter bought at public sale.

SECT. 2. *And be it further enacted,* That all purchasers, their heirs or assignees, of such of the public lands of the United States as were sold on credit, and which lands have, by such persons, been relinquished under any of the laws passed for the relief of purchasers of public lands, and the amount paid thereon applied in payment of other lands retained by them, and which relinquished lands, or any part thereof, may now be in possession of such persons; or in case the certificate of purchase, and part payment of said lands, has been transferred by the persons now in possession of said lands, or part thereof, or the persons under whom the present occupants may hold such possession, to some other person not in possession thereof, and the payment made thereon applied by such other person, or his assignee, in payment for land held in his own name. In either case, the persons so in possession shall have the right of pre-emption of the same lands, according to the legal subdivisions of sections, not exceeding the quantity of two quarter sections, in contiguous tracts until the fourth of July, one thousand eight hundred and thirtyone, upon their paying into the proper office the sum per acre therefor, which shall at the time of payment, be the minimum price per acre of the United States public lands; and in addition thereto, the same amount per acre heretofore paid thereon, and applied to other

lands, subject to a deduction of thirty-seven and a half per cent on the last mentioned sum: *Provided*, That the sum to be paid shall not, in any case, exceed three dollars and fifty cents per acre: *Provided also*, That such persons only shall be entitled to the benefits of this section, who shall apply for the same, and prove their possession, to the satisfaction of the Register and Receiver of the District in which the land may lie, in the manner to be prescribed by the Commissioner of the General Land Office within nine months from the passage of this act; for which such Register and Receiver shall each be entitled to receive from such applicants the sum of fifty cents each: *And provided further*, That the provisions of this section shall not extend to any lands that have, in any manner, been disposed of by the United States.

SECT. 3. *And be it further enacted*, That, on failure to apply for, and show a right of, pre-emption, under the second section of this act, within the time allowed therefor, and also on failure to complete the payment on any of the lands, agreeably to the provisions of this act, within the period allowed for that purpose, in either case, the whole of such lands shall be forthwith offered for sale without delay.

SECT. 4. *And be it further enacted*, That if any person or persons shall, before or at the time of the public sale of any of the lands of the United States, bargain, contract or agree, or shall attempt to bargain, contract or agree with any other person or persons, that the last named person or persons shall not bid upon, or purchase the land so offered for sale, or any parcel thereof or shall by intimidation, combination, or unfair management, hinder or prevent, or attempt to hinder or prevent any person or persons from bidding upon or purchasing any tract or tracts of land so offered for sale, every such offender, his, her or their aiders and abettors, being thereof duly convicted, shall, for every such offense, be fined, not exceeding one thousand dollars, or imprisoned, not exceeding two years, or both in the discretion of the Court.

SECT. 5. *And be it further enacted*, That if any person or persons, shall, before, or at the time of the public sale of any of the lands of the United States, enter into any contract, bargain, agreement or secret understanding with any other person or persons, proposing to purchase such land, to pay or give to such

purchasers for such land, a sum of money, or other article of property, over and above the price at which the land may or shall be bid off by such purchasers, every such contract, bargain, agreement or secret understanding, and every bond, obligation, or writing of any kind whatsoever founded upon, or growing out of the same, shall be utterly null and void. And any person or persons being a party to such contract, bargain, agreement or secret understanding, who shall or may pay to such purchasers, any sum of money or other article of property, as aforesaid, over and above the purchase money of such land, may sue for, and recover such excess from such purchasers in any Court having jurisdiction of the same. And if the party aggrieved, have no legal evidence of such contract, bargain, agreement or secret understanding, or of the payment of the excess aforesaid, he may, by bill in equity, compel such purchasers to make discovery thereof; and if, in such case, the complainant shall ask for relief, the Court in which the bill is pending, may proceed to final decree between the parties to the same: *Provided*, Every such suit, either in law or equity shall be commenced within six years next after the sale of said land by the United States.

CHAP. 49. An Act to change the port of entry from Nova Iberia to Franklin, in the State of Louisiana.

CHAP. 50. An Act changing the residence of the Collector in the District of Burlington, in the State of New Jersey.

CHAP. 51. An Act for the relief of Richard Taylor, of Kentucky.  
Approved March 31, 1830.

CHAP. 52. An Act to change the time and place of holding the Court for the County of Crawford, in the Territory of Michigan.

CHAP. 53. An Act for the relief of the legal representatives of Erastus Granger.

CHAP. 54. An Act to increase the pension of Charles Larabee.

CHAP. 55. An Act for the relief of Captain Daniel McDuff.

CHAP. 56. An Act for the relief of the legal representatives of Francis Tennille, deceased.

CHAP. 57. An Act for the relief of Margny D'Auteville.

# ACTS OF TWENTYFIRST CONGRESS.— 1st Session. [213

**CHAP. 58.** An Act for the relief of the Mayor and City Council of Baltimore.

**CHAP. 59.** An Act amending and supplementary to the act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State, to aid in the construction of the Canals authorized by law, and for making donations of land to certain persons in Arkansas Territory.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the act, approved May twentyfourth, one thousand eight hundred and twentyeight, entitled, 'An Act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State, to aid in the construction of the Canals authorized by law, and for making donations of land to certain persons in Arkansas Territory,' as provides that the extension of the Miami Canal shall be completed within twenty years, or that the State shall be bound to pay to the United States the amount of any land previously sold, be, and the same is hereby, repealed: *Provided,* That if the State of Ohio shall apply the said lands, or the proceeds of the sales, or any part thereof, to any other use whatever, than in the extension of the Miami Canal, before the same shall have been completed, the said grant, for all lands unsold, shall thereby become null and void, and the said State of Ohio shall become liable and bound to pay to the United States, the amount for which said land, or any part thereof, may have been sold, deducting the expenses incurred in selling the same: *And provided also,* That it shall be lawful for the Legislature of said State to appropriate the proceeds of the land so granted, either in extending the said Miami Canal from Dayton to Lake Erie, or in the construction of a rail road, from the termination of the said Canal, at Dayton, towards the said Lake.

**SECT. 2.** *And be it further enacted,* That whenever the line of the said Canal to be extended as aforesaid, from Dayton to the Maumee River, at the mouth of Auglaize, shall pass over land sold by the United States, it shall be lawful for the Governor of the State of Ohio to locate other lands in lieu of the land so sold: *Provided,* Such location shall not exceed the number of acres necessary to

complete an aggregate quantity, equal to one half of five sections in width, on each side of said extended Canal.

Approved April 2, 1830.

**CHAP. 60.** An Act making appropriations to pay the expenses incurred in holding certain Indian Treaties.

**CHAP. 61.** An Act for the relief of the legal representatives of Jean Baptiste Couture.

**CHAP. 62.** An Act for the relief of J. W. Hollister and Company and George Anderson.

**CHAP. 63.** An Act for the relief of Captain John Burnham.

**CHAP. 64.** An Act for the relief of John Rodriguez.

**CHAP. 65.** An Act for the relief of Thomas Sherrick.

**CHAP. 66.** An Act for the relief of Hubert La Croix.

**CHAP. 67.** An Act for the relief of Andrew Wilson.

Approved April 7, 1830.

**CHAP. 68.** An Act authorizing the appointment of an additional Brigadier General for the Territory of Arkansas.

**CHAP. 69.** An Act authorizing the Secretary of the Treasury to refund a sum of money, now in the Treasury, to Charles Henry Hall.

**CHAP. 70.** An Act for the relief of the Mercantile Insurance Company, in Salem, Massachusetts.

**CHAP. 71.** An Act for the relief of Peter and John S. Crary and Company, of New York, and of Allen Reynolds.

Approved April 15, 1830.

**CHAP. 72.** An Act making additional appropriations for the improvement of certain Harbors, and for removing obstructions at the mouths of certain Rivers for the year one thousand eight hundred and thirty.

**CHAP. 73.** An Act to amend an act, entitled 'An Act to extend the time for locating Virginia Military Land Warrants, and returning surveys thereon to the General Land Office,' approved the twentieth day of May, one thousand eight hundred and twenty-six.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the officers and soldiers

of the Virginia Line, on the Continental Establishment, their heirs or assigns, entitled to bounty land within the tract of country reserved by the State of Virginia, between the Little Miami and Sciota Rivers, shall be allowed until the first day of January, one thousand eight hundred and thirtytwo, to obtain warrants, subject, however, to the conditions, restrictions and limitations, relating to locations, surveys, and patents contained in the act of which this section is an amendment.

SECT. 2. *And be it further enacted,* That no location shall be made by virtue of any warrant obtained after the said first day of January, one thousand eight hundred and thirtytwo; and no patent shall issue in consequence of any warrant obtained after that time. And that the second proviso, inserted in the first section of the above recited act, except only that part thereof which requires 'a certificate of the Register of the Land office of Virginia, that no warrant has issued from the said Land Office for the same services,' be, and the same is hereby, repealed.

CHAP. 74. An Act to regulate and fix the compensation of the Clerks in the Department of State.

CHAP. 75. An Act for the relief of Gabriel Godfroy and John Baptiste Beaugrand.

CHAP. 76. An Act for the relief of Arund Rutgers, of Missouri.

CHAP. 77. An Act for the relief of Luther Chapin.  
Approved April 23, 1830.

CHAP. 78. An Act to authorize the Commissioners of the Sinking Fund to redeem the public debt of the United States.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever in the opinion of the Secretary of the Treasury the state of the Treasury will admit of the application of a greater sum than ten millions of dollars in any one year, to the payment of interest and charges, and to the reimbursement or purchase of the principal of the public debt, it shall be lawful for him, with the approbation of the President of the United States, to cause such surplus to be placed at the disposal of the Commissioners of the Sinking Fund, and the same shall be applied by them to the reimbursement or pur-

chase of the principal of the public debt, at such times as the state of the Treasury will best admit.

SECT. 2. *And be it further enacted,* That whenever, in any year, there shall be a surplus in the Sinking Fund beyond the amount of interest and principal of the debt which may be actually due and payable by the United States, in such year, in conformity with their engagements, it shall be lawful for the Commissioners of the Sinking Fund to apply such surplus to the purchase of any portion of the public debt, at such rates as, in their opinion, may be advantageous to the United States; anything in any act of Congress to the contrary notwithstanding.

SECT. 3. *And be it further enacted,* That the fourth and fifth sections of the act, entitled 'An Act to provide for the redemption of the public debt,' approved on the third of March, one thousand eight hundred and seventeen, are hereby repealed.

SECT. 4. *And be it further enacted,* That the sum of two hundred thousand dollars, being the balance of the sums heretofore appropriated for the expenses of taking the next Census, and which will not be required for that purpose, be, and the same is hereby directed to be passed to the surplus fund upon the last day of the year one thousand eight hundred and thirty, any law to the contrary notwithstanding.

CHAP. 79. An Act to extend the time for commencing the improvement of the navigation of the Tennessee River.

CHAP. 80. An Act for the relief of the Widows and Orphans of the Officers, Seamen and Marines of the Sloop of War Hornet.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the widows, if any such there be, and in case there be no widow, the child or children; and if there be no child, then the parent or parents; and if there be no parent, then the brothers and sisters of the officers, seamen and marines, who were in the service of the United States and lost in the United States Sloop of War Hornet, shall be entitled to, and receive, out of any money in the Treasury, not otherwise appropriated, a sum equal to six months' pay of their respective deceased relatives, aforesaid, in addition to the

pay due to the said deceased, on the tenth day of September last, up to which day the arrears of pay due the deceased shall be allowed and paid by the accounting officers of the Navy Department.

CHAP. 81. An Act for the relief of the President, Directors and Company of the Bank of Chillicothe.

CHAP. 82. An Act for the benefit of Daniel McDuff.

CHAP. 83. An Act to refund the moiety of the forfeiture upon the Schooner Volant.

Approved April 21, 1830.

CHAP. 84. An Act for the re-appropriation of certain unexpended balances of former appropriations.

Approved April 30, 1830.

CHAP. 85. An Act for the relief of Charles Wilkes, Junior.

CHAP. 86. An Act to authorize the Registers of the several Land Offices in Louisiana, to receive entries of lands in certain cases and give to the purchasers thereof certificates for the same.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases where persons have purchased lands of the United States within the State of Louisiana, and have paid in full therefor, and who have failed or omitted to enter the same, the Register of the Land Office of the District in which the land was purchased shall, on presentation of the original receipt of the Receiver of said District by the original purchaser or purchasers of the land, his, her or their heirs, cause an entry thereof to be made, and give to him, her or them a certificate for the same, specifying the time when the land was purchased, upon which a patent shall be issued as in other cases. *Provided however*, That if, in the intermediate time between the purchase and presentation of the said receipt, any of the said lands shall have been paid for and entered by any other person or persons, ignorant of the former purchase, the said Register shall not enter the same lands, but may permit the party to enter other lands in lieu thereof, of equal quantity, within the same District, which may be subject to entry, and shall give him, her or them a certificate therefor, upon which a patent shall issue as in other cases.

CHAP. 87. An Act to authorize the appointment of a Marshal for the Northern District of the State of Alabama.

CHAP. 88. An Act to amend an act, entitled 'An Act for the benefit of the incorporated Kentucky Asylum for teaching the Deaf and Dumb,' and to extend the time for selling the land granted by said act.

CHAP. 89. An Act to change the time of holding the Court of the United States for the District of Mississippi, and the Circuit Court of the United States in the District of Ohio.

CHAP. 90. An Act for further extending the powers of the Judges of the Superior Court of the Territory of Arkansas, under the act of the twenty-sixth day of May, one thousand eight hundred and twenty-four and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, approved on the twenty-sixth day of May, one thousand eight hundred and twenty-four, entitled 'An Act to enable claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims,' shall be, and hereby is, continued in force, so far as the said act relates to the claims within the Territory of Arkansas, until the first day of July, one thousand eight hundred and thirty-one, for the purpose of enabling the Court in Arkansas, having cognizance of claims under the said act, to proceed by bills of review, filed or to be filed in the said Court, on the part of the United States for the purpose of revising all or any of the decrees of the said Court in cases wherein it shall appear to the said Court or be alleged in such bills of review that the jurisdiction of the same was assumed, in any case, on any forged warrant, concession, grant, order of survey or other evidence of title; and in every case wherein it shall appear to the said Court, on the prosecution of any such bill of review, that such warrant, concession, grant, order of survey or other evidence of title, is a forgery, it shall be lawful, and the said Court is hereby authorized to proceed, by further order and decree, to reverse and annul any prior decree or adjudication upon such claim; and thereupon such prior decree or adjudication shall be deemed and held in all places whatever to be null and void



to all intents and purposes. And the said Court shall proceed on such bills of review, by such rules of practice and regulations as they may adopt, for the execution of the powers vested or conferred in them by this act.

SECT. 2. *And be it further enacted,* That no entries of land in any of the land offices in Arkansas, under any of the provisions of the said act, shall be made, until the further direction of Congress.

SECT. 3. *And be it further enacted,* That no patent shall be issued for lands under any decree of the said Court, in any case in which the original warrant, concession, grant or order of survey, has been withdrawn from the files of the said Court unless the person or persons claiming such patent shall first produce and deposit in the office of the Commissioner of the General Land Office the original warrant, concession, grant or order of survey, on which such decree was founded, and on which the said Court took jurisdiction under the said act; and no patent shall be issued until the further order of Congress, in any case, under the said act, until it shall satisfactorily appear to the Commissioner of the General Land Office that the warrant, concession, grant or order of survey, on which any lands are claimed, under any decree of the said Court, was in fact, made or issued by or under the authority of the person or persons purporting to have made or issued the same, or unless the said warrant, concession, grant or order of survey shall have been determined by the said Court, on the hearing of a bill of review, to be genuine.

SECT. 4. *And be it further enacted,* That no entry, survey, or patent, shall, at any time hereafter, be made or issued under the said act, except in the name of the original party to any such decree, and on proof to the satisfaction of the officers, respectively, that the party applying is such original party, or is duly authorized by such original party, or his heirs to make, receive, or require such entry, patent or survey.

SECT. 5. *And be it further enacted,* That in all cases in which the said Court shall, by decree or adjudication, under this act, review and annul any prior decree or adjudication therein, any lands which may have been heretofore entered, under any such prior decree or adjudication, shall thereafter be subject to sale or entry as other public lands of the United States may be.

SECT. 6. *And be it further enacted,* That the President of the United States is hereby authorized to employ, on behalf of the United States, such counsel on their part, in the Territory of Arkansas or elsewhere, to be associated for that purpose with the District Attorney of the same Territory as he may deem the interests of the United States may require, in the prosecution of such bills of review before the said Court.

SECT. 7. *And be it further enacted,* That in all cases the party against whom the judgment or decree of the said Court may be finally given, shall be entitled to an appeal, within one year from the time of its rendition, to the Supreme Court of the United States, which Court shall have power to review the decision of the Court below, both on the law and the facts; and the Court in Arkansas be, and the same is hereby, required to spread upon the record the whole testimony, together with the reasons for their decision in each case, and to transmit to the Supreme Court of the United States the same, together with the original warrant, concession, grant, order of survey or other evidence of title.

SECT. 8. *And be it further enacted,* That each of the Judges of the Supreme Court of the Territory of Arkansas shall, while in the discharge of their duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to their salary as Judges of the Superior Court for the Territory of Arkansas, which shall be in full for their services, to be paid out of any money in the Treasury not otherwise appropriated.

CHAP. 91. An Act supplementary to the act, entitled 'An Act to authorize the citizens of the Territories of Arkansas and Florida to elect their officers, and for other purposes.'

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in case any vacancy has occurred, or shall occur in any office to which any person has been or shall be elected by the citizens of Arkansas, under the provisions of the act to which this is a supplement, either by a refusal to accept the same, or by death, resignation or otherwise, the Governor of the said Territory is hereby authorized and required to supply such vacancy, until the next general election. And in case any vacancy shall occur in the offices of Justice of the Peace, Auditor or Treas-

Order for the said Territory, either by a refusal to accept the same or by death, resignation or otherwise, the Governor thereof is hereby authorized and required to supply such vacancy until the next meeting of the Legislature.

Approved May 8, 1830.

CHAP. 92. An Act to authorize the reconveyance of a lot of land to the Mayor and Corporation of the City of New York.

Whereas the Mayor and Corporation of the City of New York, on the sixth May, one thousand eight hundred and eight, did convey to the United States a lot of land at the foot of Hubert street, in the City of New York, called the North Battery, 'so long as the same should be used and applied to the defence and safety of the Port of New York, and no longer.'

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that whenever the President of the United States shall determine that the said lot is no longer useful for the purposes aforesaid, he be, and he hereby is, authorized to cause the same to be reconveyed to the Mayor and Corporation of New York, the works thereon to be dismantled and the materials thereof to be disposed of in such manner as, in his judgment, the public interest may require.

CHAP. 93. An act for the relief of the legal representatives of Richard Eppes.

CHAP. 94. An Act for the relief of James Abbott.

Approved May 10, 1830.

CHAP. 95. An Act to alter the Bridge and Draws across the Potomac, from Washington City to Alexandria.

CHAP. 96. An Act to alter the time of holding the sessions of the Legislative Council of the Territory of Florida.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislative Council of the Territory of Florida shall commence its session on the first Monday in January in each year, instead of the second Monday in October, as now directed by law.

SECT. 2. *And be it further enacted,* That the first and third sections of an act 'to amend an act for the apprehen-

sion of criminals and the punishment of crimes and misdemeanors,' passed by said Legislative Council the fifteenth day of November, eighteen hundred and twenty-nine, be, and the same are hereby, annulled.

Approved May 14, 1830.

CHAP. 97. An Act for the relief of sundry Revolutionary and other Officers and Soldiers, and for other purposes.

CHAP. 98. An Act to establish a Port of Delivery at Delaware City.

CHAP. 99. An Act making appropriations to carry into effect the Treaty of Butte des Mortes.

CHAP. 100. An Act for the relief of the City Council of Charleston, South Carolina.

CHAP. 101. An Act to reduce the duties on Coffee, Tea and Cocoa.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirty-first day of December, one thousand eight hundred and thirty, the duty on Coffee shall be two cents per pound, and from and after the thirty-first day of December, one thousand eight hundred and thirtiye, the duty on Coffee shall be one cent per pound, and no more; and from and after the thirty-first day of December, one thousand eight hundred and thirty, the duty on Cocoa shall be one cent per pound and no more. And that from and after the thirty-first December, one thousand eight hundred and thirtyone, the following rates of duty and no other shall be levied and collected on Teas imported from China, or other place east of the Cape of Good Hope, and in vessels of the United States, to wit: Imperial, Gunpowder and Gomee, twentyfive cents per pound; Hyson and Young Hyson, eighteen cents per pound; Hyson Skia and other Green Teas, twelve cents per pound; Souchong and other Black Teas, except Bohea, ten cents per pound, and Bohea four cents per pound; and on Teas imported from any other place, or in vessels other than those of the United States, the following rates, to wit: Imperial, Gunpowder and Gomee, thirtyseven cents; Hyson and Young Hyson, twentyseven cents; Hyson Skin and other Green Teas, twenty cents; Souchong and other Black Teas, except Bohea, eighteen cents; and Bohea, six cents per pound.

**SECT. 2.** *And be it further enacted,* That Tea, Cocoa and Coffee, which have been, or which shall be hereafter, put into the Custom House stores, under the bond of the importer, and which shall remain under the control of the proper officer of the customs, on the thirtyfirst day of December, one thousand eight hundred and thirty, and the thirtyfirst day of December, one thousand eight hundred and thirtyone, respectively, shall be subject to no higher duty than if the same were imported, respectively, after the said thirtyfirst day of December, one thousand eight hundred and thirty, and the thirtyfirst day of December, one thousand eight hundred and thirtyone: *Provided,* That nothing herein contained shall be construed to alter or postpone the time when the duty on the said Tea, Cocoa and Coffee shall be payable.

**CHAP. 102.** An Act to amend an act, entitled, 'An Act to regulate the practice in the Courts of the United States, for the District of Louisiana.'

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the mode of proceeding in drawing and empanneling juries in the Courts of the United States for the Louisiana Districts, shall be the same as is now provided by law in the District Courts of the State of Louisiana; and that the Judge of the United States Courts in said District be, and he is hereby authorized, by rule, to adopt any amendment that may hereafter be made to the laws of the said State, prescribing the qualification of jurors, and providing for drawing and empanneling juries.

**SECT. 2.** *And be it further enacted,* That all the duties prescribed by the laws of the State of Louisiana, to be performed by the Sheriff, in relation to the drawing and summoning of jurors, shall be performed by the Marshals, and those so prescribed for the Parish Judge or the District Judge of the State shall be performed by the District Judge of the United States. And that the duties so prescribed by the said State laws, imposed on any other State officer shall be performed by such householders as shall be designated by the said Judge of the District Court of the United States.

**CHAP. 103.** An Act for the relief of Jonathan Taylor and the representatives of James Morrison and Charles Wilkins.

Approved May 20, 1830.

**HAP. 104.** An Act to incorporate the Alexandria Canal Company.

**CHAP. 105.** An Act to quiet the titles of certain purchasers of Lands between the lines of Ludlow and Roberts, in the State of Ohio.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized to pay, out of any money in the Treasury, not otherwise appropriated, to the Virginia Military Claimants of lands situated between the two lines in the State of Ohio, commonly called Ludlow's and Roberts' lines, and south of the Greenville treaty line, located prior to the twenty-sixth day of June, in the year of our Lord one thousand eight hundred and twelve, the sum of sixtytwo thousand five hundred and fifteen dollars and twentyfive cents, with interest thereon from the fourth March, eighteen hundred and twentyfive, at six per cent per annum, until paid; being the amount at which said lands were valued, exclusive of improvements, under the act of Congress, entitled 'An Act to authorize the President of the United States to enter into certain negotiations relative to the lands located under Virginia Military Land Warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio;' *Provided however,* That before the payment of said sum, the said claimant or claimants shall relinquish, by deed or deeds, to the United States, in such manner as the President shall direct, their title or titles to the said lands.

**SECT. 2.** *And be it further enacted,* That the payments aforesaid shall be made as directed to the said claimants, according to the valuation of their respective tracts of land, made under the above recited act of Congress.

**CHAP. 106.** An Act to provide for the final settlement of Land Claims in Florida.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the claims and titles to land filed before the Register and Receiver of the Land Office, acting as Commissioners, in the District of East Florida, under the quantity contained in one league square, which have been decided and recommended for confirmation, contained in the reports, abstracts and opinions of said Register and Receiver, transmitted to the Secretary of the Treasury, according to law, and referred by him to Congress, on the fourteenth

day of January, one thousand eight hundred and thirty, be, and the same are hereby confirmed, with the exception of such claims as were confirmed by the Spanish Government, subsequent to the twentyfourth of January, one thousand eight hundred and eighteen, which shall be re-examined and reported, with the evidence by the Register and Receiver, before the next session of Congress, to the Secretary of the Treasury, to be laid before Congress.

SECT. 2. *And be it further enacted*, that all the conflicting Spanish claims reported in obedience to the fourth section of the act of Congress approved May the eighth, one thousand eight hundred and twentytwo and recommended for confirmation as valid titles, be, and the same are hereby, confirmed, so far as the United States have any title to the same.

SECT. 3. *And be it further enacted*, That all claims derived from the former British Government, contained in the reports of the Commissioners of East Florida, or the Register and Receiver, acting as such, who did not avail themselves of the provisions of the treaty between Spain and England, signed at Versailles on the twentieth of January, one thousand seven hundred and eightythree, by leaving said Province, but who remained in the same and became Spanish subjects, and whose titles were approved by the Spanish authorities, and have been recommended for confirmation by said Commissioners or Register and Receiver, acting as such, be, and the same are hereby, confirmed.

SECT. 4. *And be it further enacted*, That all the remaining claims which have been presented according to law, and not finally acted upon, shall be adjudicated and finally settled upon the same conditions, restrictions and limitations, in every respect, as are prescribed by the act of Congress, approved twentythird May, one thousand eight hundred and twentyeight, entitled 'An Act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida.'

SECT. 5. *And be it further enacted*, That it shall be the duty of the Register and Receiver to deliver over all papers relative to private land claims in East Florida to the keeper of the public archives.

SECT. 6. *And be it further enacted*, That all confirmations of land titles, under this act shall only operate as a relinquishment of the right of the United

States to the said lands respectively, and shall not be construed either as a guarantee of any such titles or in any manner affecting the rights of other persons to the same lands.

SECT. 7. *And be it further enacted*, That so much of the act of twentythird of May, one thousand eight hundred and twentyeight as directed that the selection of claimants who availed themselves of the first section of said act by accepting a quantity equal to one league square within their respective grants, which confined the selection to sectional lines, shall not be held to extend to the selection by the claimants of a greater quantity than a section, but the said claimants who have, or may hereafter select, under the provisions of said law, any quantity equal to the amount granted in bodies larger than a section in the form of any Spanish survey or plat of survey, or where the sections are broken by any river, the said land so selected, or which may be so selected, is hereby confirmed to said claimants; and it shall be the duty of the Surveyor General to make a survey and certificate of all claims, to return the same to the Commissioner of the General Land Office, and thereupon a patent shall issue to the original grantee or to his assignee, if the land has been sold or transferred to any other person or to the legal owner by purchase or descent.

SECT. 8. *And be it further enacted*, That the claimants who are entitled to the provisions of that act, or who may avail themselves of the foregoing provisions of this act, by taking a quantity equal to a league square, in lieu of the whole grant, shall be, and they are hereby, allowed the further time of one year from the passage of this act, to execute their relinquishments and to file their acceptance of the provisions of said law.

SECT. 9. *And be it further enacted*, That it shall be the duty of the Registers and Receivers to restore to the claimants the title deeds on which they may have finally rejected the claims.

CHAP. 107. An Act for the distribution of certain Books therein mentioned.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the copies of the Diplomatic Correspondence of the American Revolution, published in pursuance of a resolution of Congress of twentyseventh March, one thousand eight hundred and eighteen, which have been or may her-

after be received at the Department of State, be distributed and disposed of in manner following, to wit :

To the President and Vice President of the United States, one copy each ; to the Heads of Department, five copies each ; to the Postmaster General, the Commissioner of the General Land Office, and the Superintendent of the Patent Office, one copy each ; to each Member and Delegate of the present Congress, one copy ; to the Library of the Senate, five copies ; to the Library of the House of Representatives, ten copies ; to the Attorney General, the Judges of the Supreme Court and of the other Courts of the United States, each one copy ; to each Governor of a State or Territory, for the public library of the State or Territory, one copy ; to the Military Academy at West Point, and to each incorporated University, College, Historical or Antiquarian Society and Athenæum, one copy ; to the Secretary, one copy for each American Legation in foreign countries ; to the Secretary of the Navy, five copies for the Naval Commanders on different stations ; and to each person who has been President of the United States, one copy.

SECT. 2. *And be it further enacted,* That of the edition of the Journals of the House, ordered to be printed by a resolution of this House of eighteenth May, one thousand eight hundred and twenty-six, the copies be distributed in manner following, to wit :

To the President and Vice President of the United States, one copy each ; to the Heads of Department, five copies each ; to each Member and Delegate of the present Congress, one copy ; to the Library of the Senate five copies ; to the Library of the House of Representatives, ten copies ; to the Attorney and Postmaster General, one copy each ; to each Governor of a State or Territory, for the public library of the State or Territory, one copy ; to the Military Academy at West Point, and to each incorporated University, College, Historical or Antiquarian Society and Athenæum, one copy ; and to each person who has been President of the United States, one copy ; and that the residue remain in the custody of the Clerk of the House of Representatives, till otherwise ordered by the House.

SECT. 3. *And be it further enacted,* That the books hereby directed to be distributed, \*be properly prepared for transmission, under the direction of the Clerk of the House of Representatives ;

and that they be forwarded free of postage, by mail, to the persons hereby authorized to receive them ; or delivered to the order of said persons in the City of Washington.

SECT. 4. *And be it further enacted,* That, of the copies of the Diplomatic Correspondence of the Revolution, which shall remain after the distribution aforesaid, one copy shall be distributed to each new Member of each Congress succeeding the present, until all the copies shall have been distributed, with the exception of twenty-five, which shall be retained for the Library of Congress.

CHAP. 108. An Act for the relief of Jonathan Chapman.

CHAP. 109. An Act to confirm the claim of Isidore Moore, of Missouri.

CHAP. 110. An Act for the relief of Nancy Moore.

CHAP. 111. An Act for the relief of Payson Perrin.

CHAP. 112. An Act for the relief of Mountjoy Bayly.

CHAP. 113. An Act for the relief of Lucy M. Lipscomb.

CHAP. 114. An Act for the relief of John Edgar, of Illinois.

CHAP. 115. An Act for the benefit of the creditors of Bennet and Morte. Approved May 26, 1830.

CHAP. 116. An Act for the relief of James Smith.

CHAP. 117. An Act for the relief of Thomas Wheatley.

CHAP. 118. An Act for the relief of Henry Williams.

CHAP. 119. An Act for the relief of James Barnett.

CHAP. 120. An Act for the relief of Joseph Shaw.

CHAP. 121. An Act for the relief of the heirs of Baptiste Le Gendre.

CHAP. 122. An Act for the relief of Francois Isidore Tuillier.

CHAP. 123. An Act for the relief of Peter Gasney.

CHAP. 124. An Act for the relief of John Cooper, William Saunders, and William R. Porter.

CHAP. 125. An Act for the relief of Judah Alden.

# ACTS OF TWENTYFIRST CONGRESS.— 1st Session. [221

- CHAP. 126. An Act for the relief of the heirs or legal representatives of Joseph Falconer, deceased.
- CHAP. 127. An Act for the relief of Wilkins Tannehill.
- CHAP. 128. An Act for the relief of John H. Wendal, a Captain in the Revolutionary War.
- CHAP. 129. An Act for the relief of the legal representatives of James Davenport, deceased.
- CHAP. 130. An Act for the relief of the heirs of Jean Marie Traud, deceased.
- CHAP. 131. An Act for the relief of Michael Lewis.
- CHAP. 132. An Act for the relief of Alexander Fridge.
- CHAP. 133. An Act for the relief of Captain John Woods.
- CHAP. 134. An Act for the relief of the heirs of John Tuillier, deceased.
- CHAP. 135. An Act for the relief of Stephen Olney.
- CHAP. 136. An Act for the relief of John Moffitt.
- CHAP. 137. An Act for the relief of Alexander Montgomery, John H. Watts and the administrators of John Wilson, deceased.
- CHAP. 138. An Act for the relief of William Tipton.
- CHAP. 139. An Act for the relief of General Simon Kenton.
- CHAP. 140. An Act for the relief of Alexander Claxton.
- CHAP. 141. An Act for the relief of Jacob Wilderman.
- CHAP. 142. An Act for the relief of Abraham Brownson.
- CHAP. 143. An Act for the relief of Vincent de Rivañoli, and others.
- CHAP. 144. An Act for the relief of Wallace Robinson.
- CHAP. 145. An Act for the relief of Ann Brashears, of Mississippi.
- CHAP. 146. An Act to confirm certain claims to lands in the District of Jackson Court House, in the State of Mississippi.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the*

*United States of America in Congress assembled*, that all the claims to lands reported by the Register and Receiver of the Land Office for the District of Jackson Court House, in the State of Mississippi, under the provisions of the act of Congress, approved on the twenty-fourth day of May, one thousand eight hundred and twenty-eight, entitled 'An Act supplementary to the several acts providing for the adjustment of land claims in the State of Mississippi,' as founded on any order of survey, requette, permission to settle, or other written evidence of claim derived from the Spanish authorities, which ought, in the opinion of the said Register and Receiver, to be confirmed, and which, by the said reports, appear to be derived from the Spanish Government prior to the twentieth of December, one thousand eight hundred and three, and the land claimed to have been cultivated and inhabited on or before that day, shall be confirmed in the same manner as if the title had been completed: *Provided*, That in all such claims, where the plat and certificate of survey, made prior to the fifteenth day of April, one thousand eight hundred and thirteen, under the authority of the Spanish Government, in pursuance of such claim, has not been filed with the said Register and Receiver, such claim shall not be confirmed to any one person for more than twelve hundred and eighty acres; and that for all the other claims comprised in the reports as aforesaid, and which ought, in the opinion of the Register and Receiver, to be confirmed, the claimant to such land shall be entitled to a grant therefor, as a donation not to exceed twelve hundred and eighty acres to any one person: *And provided, also*, That the claim of the representatives of Louis Boisdore, numbered four, in report numbered three, shall not be confirmed to more than twelve hundred and eighty acres; and all the confirmations of the said incomplete titles and grants of donations, hereby provided to be made, shall amount only to a relinquishment forever, on the part of the United States, of any claim whatever to the tract of land so confirmed or granted, without prejudice to the interests of third persons.

SECT. 2. *And be it further enacted*, That every person or his or her legal representatives whose claim is embraced by the said Register and Receiver in their reports, numbers five, six and seven, of actual settlers, or their legal representatives, not having any written evidence

of claim, shall, where it appears by the said reports that the land claimed or settled on had been actually inhabited and cultivated by such person or persons, in whose right the same is claimed, on or before the fifteenth day of April, one thousand eight hundred and thirteen, be entitled to a grant for the land so claimed or settled on, as a donation: *Provided*, That not more than one tract shall be granted to any one person, and the same shall not exceed six hundred and forty acres, to include his or her improvements, and to be bounded by sectional or divisional lines; and that no lands shall be thus granted which are claimed or recognised by the preceding section.

SECT. 3. *And be it further enacted*, That every person or his or her legal representatives, comprised in the aforesaid reports of actual settlers, not having any written evidence of claim, who, on the third day of March, one thousand eight hundred and nineteen, did, as appears by those reports, actually inhabit and cultivate a tract of land in the said District, not claimed under any written evidence of title legally derived from the French, British or Spanish Governments, or granted as a donation, shall be entitled to become the purchaser of the quarter section, or two-eighths of any section, on which the improvements may be, and including the same, at the same price for which other public lands are sold at private sale: *Provided*, That the same shall be entered with the Register of the Land Office, within the term of two years, or before, if the same shall be offered at public sale: *And provided, also*, That where any such person is settled on, and has improved any school lands in said District, such person shall be governed by the provisions of the fourth section of the approved on the twentysecond day of April, one thousand eight hundred and twenty-six, entitled 'An Act giving the right of preemption, in the purchase of lands, to certain settlers in the States of Alabama, Mississippi and Territory of Florida.'

SECT. 4. *And be it further enacted*, That the Register and Receiver of the said District shall possess the same powers and perform the same duties, in relation to the claims confirmed by this act, as are given to, and required of, them by the act of Congress, of the eighth of May, one thousand eight hundred and twenty-two, entitled 'An Act supplementary to the several acts for adjusting

the claims and titles to lands, and establishing Land Offices in the District east of the Island of New Orleans.'

CHAP. 117. An Act for the more effectual collection of the impost duties.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional appraiser of merchandize for the port of New York, who shall take a similar oath and have like power and compensation and perform the same duties, with the appraisers now authorized by law to be appointed at that place.

SECT. 2. *And be it further enacted*, That the Secretary of the Treasury may appoint, not exceeding four assistant appraisers in New York, two in Philadelphia and two in Boston, who shall be practically acquainted with the quality and value of some one or more of the chief articles of importation, subject to appraisement, to be employed in appraising goods in such manner as shall be directed by the Secretary of the Treasury, and who shall take and subscribe an oath diligently and faithfully to examine and inspect such goods, wares or merchandize as the principal appraisers may direct, and truly to report to them, to the best of their knowledge and belief, the true value thereof, according to law; whereupon the principal appraisers shall revise and correct the same as they may judge proper, and report to the Collector their decision thereon; but if the Collector shall deem any appraisement of goods too low he shall have power to order a re-appraisement, either by the principal appraisers, or by three merchants designated by him for that purpose, who shall be citizens of the United States and cause the duties to be charged accordingly.

SECT. 3. *And be it further enacted*, That from and after the thirtieth day of September next, whenever goods of which wool or cotton is a component part of similar kind, but different quality, are found in the same package, if not imported from beyond the Cape of Good Hope, it shall be the duty of the appraisers to adopt the value of the best article contained in such package as the average value of the whole; and if the owner, importer, consignee or agent for any goods appraised, shall consider any

appraisement, made by the appraisers, or other persons designated by the Collector, too high, he may apply to the Collector in writing, stating the reasons for his opinion, and having made oath that that the said appraisement is higher than the actual cost and proper charges on which duty is to be charged, and also, that he verily believes it is higher than the current value of the said goods, including said charges, at the place of exportation, the Collector shall designate one merchant, skilled in the value of such goods, and the owner, importer, consignee, or agent may designate another, both of whom shall be citizens of the United States, who, if they cannot agree in an appraisement, may designate an umpire, who shall also be a citizen of the United States, and when they, or a majority of them, shall have agreed they shall report the result to the Collector, and if their appraisements shall not agree with that of the United States appraisers, the Collector shall decide between them.

SECT. 4. *And be it further enacted,* That the Collectors of the customs shall cause at least one package out of every invoice, and one package at least out of every twenty packages of each invoice, and a greater number, should he deem it necessary, of goods imported into the respective Districts, which package or packages he shall have first designated on the invoice to be opened and examined, and if the same be found not to correspond with the invoice, or to be falsely charged in such invoice, the Collector shall order, forthwith, all the goods contained in the same entry to be inspected; and if such goods be subject to ad valorem duty, the same shall be appraised, and if any package shall be found to contain any article not described in the invoice, or if such package or invoice be made up with intent, by a false valuation, or extension or otherwise, to evade or defraud the revenue; the same shall be forfeited, and the fifteenth section of the 'Act supplementary to an act to amend an act, entitled "An Act to regulate the collection of duties on imports and tonnage, passed second March, one thousand seven hundred and ninety-nine, and for other purposes,"' passed first March, one thousand eight hundred and twentythree; and also so much of any act of Congress as imposes an additional duty or penalty of fifty per centum on duties upon any goods which may be appraised at twentyfive per centum, or ten

per centum, above their invoice price, is hereby repealed; and no goods liable to be inspected or appraised as aforesaid, shall be delivered from the custody of the officers of the customs, until the same shall have been inspected or appraised, or until the packages sent to be inspected or appraised, shall be found correctly and fairly invoiced and put up, and so reported to the Collector: *Provided,* That the Collector may, at the request of the owner, importer, consignee or agent, take bonds, with approved security, in double the estimated value of such goods, conditioned that they shall be delivered to the order of the Collector, at any time within ten days after the package or packages sent to the public stores shall have been appraised and reported to the Collector. And if, in the meantime, any of the said packages shall be opened, without the consent of the Collector or Surveyor, given in writing, and then in the presence of one of the inspectors of the customs, or if the said package or packages shall not be delivered to the order of the Collector, according to the condition of the said bond, the bond shall, in either case, be forfeited.

SECT. 5. *And be it further enacted,* That it shall be the duty of the Collector to cause all goods entered for re-exportation, with the right of drawback, to be inspected, and the articles thereof compared with their respective invoices, before a permit shall be given for lading the same; and where the goods so entered shall be found not to agree with the entry, they shall be forfeited; and every importer, owner, consignee, agent or exporter, who shall enter goods for importation, or exportation, or transportation from one port or place to another, with the right of drawback, shall deposit with the Collector the original invoice of such goods, if not before deposited with the Collector, and in that case an authenticated invoice thereof to be filed and preserved by him in the archives of the Custom House, which shall be signed by such importer, owner, consignee, agent, or exporter, and the oath to be made on the entry of such goods shall be annexed thereto.

SECT. 6. *And be it further enacted,* That the assistant appraisers at New York shall receive a compensation of fifteen hundred dollars per annum; and those at Boston and Philadelphia, a compensation of twelve hundred dollars per annum, to be paid out of the proceeds of



the customs; and the Clerks and all other persons employed in the Appraisers' Office, shall be appointed by the principal appraisers, and their number and compensation limited and fixed by the Secretary of the Treasury.

SECT. 7. *And be it further enacted,* That all forfeitures incurred under this act, shall be sued for, recovered and distributed according to the provisions of the act, entitled 'An Act to regulate the collection of duties on Imports and Tonnage,' passed the second day of March, one thousand seven hundred and ninety-nine: *Provided,* that the appraisers and assistant appraisers shall in no case receive any proportion of such forfeiture: *And provided also,* That the Secretary of the Treasury shall be, and he is hereby, authorized to remit any such forfeiture whenever he is of opinion that no fraud on the revenue was intended.

SECT. 8. *And be it further enacted,* That whenever, in the opinion of the Secretary of the Treasury, it may be necessary in order to carry into full effect the laws for the collection of the revenue, he may authorize the Collector of any District into which goods, wares, or merchandize, subject to duty, may be imported, to require the owner, importer or consignee of such goods, wares or merchandize, to give bond, in addition to the bond now required by law, in a sum not exceeding the value of such merchandize, that he will produce or cause to be produced within a reasonable time, to be fixed by the said Secretary, such proof as the said Secretary may deem necessary, and as may be in the power of the said owner, importer or consignee to obtain, to enable the Collector to ascertain the class or description of manufacture or rate of duty, to which such goods, wares or merchandize may be justly liable.

SECT. 9. *And be it further enacted,* That from and after the thirtieth day of September next, all iron manufactured for rail roads shall be liable to the same rate of duty which is now imposed on bar or bolt iron of similar manufacture; and that all scrap iron shall be liable to the same duty that is charged on iron in pigs: *Provided, however,* That when it shall be satisfactorily proved to the Secretary of the Treasury that any of the said iron imported for the purpose of being applied in the construction of any rail road on an inclined plane by any State or incorporated company, has been actu-

ally and permanently laid on any such railroad or inclined plane, that then and in that case he may allow to such State or Company a drawback of the duty on such rail road iron so laid, or, if the duty upon the same shall have been actually paid, he may refund the same: *Provided,* Such drawback or repayment shall not reduce the duty to be paid on such iron below twentyfive per centum ad valorem, nor upon any less quantity than twenty tons.

CHAP. 148. An Act to provide for an exchange of Lands with the Indians residing in any of the States or Territories, and for their removal West of the river Mississippi.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States west of the river Mississippi not included in any State or organized Territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said Districts to be so described by natural or artificial marks as to be easily distinguished from every other.

SECT. 2. *And be it further enacted,* That it shall and may be lawful for the President to exchange any or all of such Districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the States or Territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the States or Territories where the land claimed and occupied by the Indians is owned by the United States or the United States are bound to the State within which it lies to extinguish the Indian claim thereto.

SECT. 3. *And be it further enacted,* That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaran-

ty to them, and their heirs or successors the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct or abandon the same.

SECT. 4. *And be it further enacted*, That if upon any of the lands now occupied by the Indians and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

SECT. 5. *And be it further enacted*, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

SECT. 6. *And be it further enacted*, That it shall, and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians or from any other person or persons whatever.

SECT. 7. *And be it further enacted*, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided*, That nothing in this act contained shall be construed as authorizing or directing the violation of any existing Treaty between the United States and any of the Indian tribes.

SECT. 8. *And be it further enacted*, That for the purpose of giving effect to the provisions of this act, the sum of

five hundred thousand dollars is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

CHAP. 149. An Act to authorize the Register and Receiver of the St Helena Land District, in Louisiana, to receive evidence, and report upon certain claims to land mentioned therein.

CHAP. 150. An Act to repeal a part of an act, passed the twentysixth day of March, one thousand eight hundred and four, entitled 'An Act making provisions for the disposal of the public lands in the Indiana Territory and for other purposes.'

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of an act, approved the twentysixth day of March, in the year one thousand eight hundred and four, entitled 'An Act making provisions for the disposal of the public lands in the Indiana Territory, and for other purposes,' as makes it the duty of the Secretary of the Treasury to cause at least once every year, the books of the offices to be examined and the balance of public moneys in the hands of the several Receivers of Public Moneys of the said offices to be ascertained, be and the same is hereby, repealed.

CHAP. 151. An Act relative to the plan of Detroit, in Michigan Territory.

CHAP. 152. An Act to repeal the proviso in 'An act to authorize masters of vessels in certain cases to clear out either at the Custom House of Petersburg, or that of Richmond.'

Approved May 23, 1830.

CHAP. 153. An Act to provide for the appointment of a Solicitor of the Treasury.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appointed, by the President of the United States, by and with the advice and consent of the Senate, some suitable person, learned in law, to be Solicitor of the Treasury; and that all and singular the powers and duties which are by law vested in, and required from, the Agent of the Treasury of the United States, shall be transferred to, vested in, and required from, the said Solicitor of the Treasury; and the said Solicitor of the Treasury shall

also perform and discharge so much of the duties heretofore belonging to the office of Commissioner, or Acting Commissioner of the Revenue, as relates to the superintendence of the collection of outstanding direct and internal duties. And the said Solicitor shall have charge of all lands and other property which have been or shall be assigned, set off, or conveyed to the United States, in payment of debts, and of all trusts created for the use of the United States, in payment of debts due them; and to sell and dispose of lands assigned, or set off to the United States, in payment of debts, or being vested in them by mortgage, or other security for the payment of debts; and in cases where real estate hath already become the property of the United States by conveyance, extent, or otherwise, in payment of a debt, and such debt hath been fully paid, in money, and the same hath been received by the United States, it shall and may be lawful for the Solicitor of the Treasury to release by deed, or otherwise convey the same real estate to the debtor from whom it was taken, if he shall be living, or if such debtor be dead, to his heirs or devisees, or such person as they shall appoint.

**SECT. 2.** *And be it further enacted,* That the Secretary of the Treasury shall cause to be transferred to the Solicitor of the Treasury, all books, papers, and records, belonging or appertaining to the office of Agent of the Treasury, or belonging and appertaining to the superintendence of the collection of outstanding direct taxes and internal duties; and the Comptroller of the Treasury, and all other officers, who have heretofore been required to cause accounts to be stated and certified, or to make out or forward lists, returns, reports, or statements, to the Agent of the Treasury, are hereby required to cause such accounts to be stated and certified, and such lists, returns, reports, and statements, to be made and forwarded to the Solicitor of the Treasury; and all lists, returns, reports, and statements, respecting outstanding direct taxes and internal duties, heretofore required to be made to the Commissioner or acting Commissioner of the Revenue, shall hereafter be made to the said Solicitor of the Treasury.

**SECT. 3.** *And be it further enacted,* That whenever any bond for duties shall be delivered to a District Attorney for suit, the Collector so delivering the same shall immediately give information thereof to the Solicitor of the Treasury, with full and exact description of the date

of such bond, the amount due thereon, and the names of all the obligors thereto; and the Solicitor of the Treasury shall thereupon make such entry thereof as that the said Attorney may duly appear chargeable therewith, until the amount thereof shall have been paid to the United States, or he shall have obtained judgment thereon, and delivered execution to the Marshal, or shall otherwise have been duly discharged therefrom: and the several District Attorneys of the United States shall, immediately after the end of every term of the Circuit and District Courts of the United States in their respective districts forward to the Solicitor of the Treasury a full and particular statement, as well of all cases in which the United States are party, which are pending in said courts, as of those which may have been decided during such term, accompanied by a certificate of the clerk of such court; and it shall be the duty of the Solicitor of the Treasury to make constant and strict comparisons and examinations of the said returns of the District Attorneys, and of the reports made by the Collectors of bonds delivered to the Attorneys for suit; and if it shall appear that any Collector shall make return of any bond as in suit, or delivered for suit, which is not, at the time, in suit, or delivered for suit, or shall return any bond as in suit, for the whole amount thereof, when part thereof has been paid to him, or as in suit for more than is actually due thereon, the Solicitor of the Treasury shall, immediately upon discovery thereof, communicate the same to the President of the United States; and it shall further be the duty of each Collector to accompany his return for the last quarter of every year with a particular account of bonds in suit, stating the amount actually unpaid on each; and to the truth of such account he shall certify on oath.

**SECT. 4.** *And be it further enacted,* That when any suit or action for the recovery of any fine, penalty, or forfeiture, shall be instituted or commenced, a statement of such suit or action shall be immediately transmitted to the Solicitor of the Treasury, by the Attorney instituting the same; and whenever any seizure shall be made for the purpose of enforcing any forfeiture, the Collector or other person causing such seizure to be made, shall, in like manner, immediately give information thereof to the Solicitor of the Treasury.

**SECT. 5.** *And be it further enacted,* That the said Solicitor shall have power

to instruct the District Attorneys, Marshals, and Clerks of the Circuit and District Courts of the United States, in all matters and proceedings, appertaining to suits in which the United States is a party, or interested, and cause them or either of them, to report to him from time to time, any information he may require in relation to the same.

SECT. 6. *And be it further enacted,* That all moneys recovered or collected by the Solicitor of the Treasury, or under his direction shall be reported by him to the officer from whom the bond or other evidence of debt was received, and proper credit be given therefor; and he shall report in like manner all credits allowed by due course of law, on any suits under his direction.

SECT. 7. *And be it further enacted,* That it shall be the duty of the Solicitor of the Treasury, with the approbation of the Secretary of the Treasury, to establish such rules and regulations, not inconsistent with law, for the observance of Collectors, District Attorneys, and Marshals, respecting suits in which the United States are parties, as may be deemed necessary for the just responsibility of those officers, and the prompt collection of all revenues and debts due and accruing to the United States.

SECT. 8. *And be it further enacted,* That it shall be the duty of the Solicitor of the Treasury to obtain from the several District Attorneys of the United States, full and accurate accounts of all causes and actions pending in the Courts of the United States, in which the United States shall be plaintiff, on the fourth day of July next; and shall cause an intelligible abstract thereof, showing the names of the parties in each suit, the cause of action, the time of its commencement and such other matters as may be necessary to full information respecting the same, to be prepared and laid before Congress at the commencement of the next session.

SECT. 9. *And be it further enacted,* That the Secretary of the Treasury be, and he hereby is, authorized to transfer one of the Clerks now employed in the office of the Fifth Auditor, to the office of Solicitor of the Treasury; and the said Clerk shall continue to receive the same salary as at present.

SECT. 10. *And be it further enacted,* That it shall be the duty of the Attorney General of the United States at the request of said Solicitor to advise with and direct the said Solicitor as to the manner of conducting the suits, proceedings,

and prosecutions aforesaid; and the Attorney General shall receive, in addition to his present salary, the sum of five hundred dollars per annum.

SECT. 11. *And be it further enacted,* That the Solicitor of the Treasury shall receive an annual salary of three thousand five hundred dollars, and be authorized to employ, with the approbation of the Secretary of the Treasury, one clerk, who shall receive a salary of eleven hundred and fifty dollars per annum; and one messenger, with a salary of five hundred dollars per annum. All letters to and from the Solicitor of the Treasury, relating to the duties and business of his office, shall be transmitted by mail free of postage.

SECT. 12. *And be it further enacted,* That the sum of three thousand five hundred dollars be, and the same hereby is, appropriated for the payment of the said salaries for the present year; to be paid out of any money in the Treasury not otherwise appropriated.

CHAP. 155. An Act providing for the settlement of the accounts of certain Diplomatic Functionaries.

CHAP. 156. An Act for the relief of Thomas Blackwell.

CHAP. 157. An Act for the relief of Alexander Scott.

CHAP. 158. An Act for the relief of Charles Collins.

CHAP. 159. An Act for the relief of Fielding L. White.

CHAP. 160. An Act for the relief of Sarah Easton and Dorothy Storer, children and heirs at law of Lieutenant Colonel Robert Hanson Harrison, deceased.

CHAP. 161. An Act for the relief of Ann D. Baylor.

CHAP. 162. An Act to vest in the State of Indiana certain lands within the limits of the canal grant.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be vested in the State of Indiana twenty-nine thousand five hundred and twenty-eight acres and seventy-eight hundredths of the public lands, to be selected by the canal Commissioners of said State, from the alternate sections reserved to the United States in the division made under an act to grant a certain quantity of land to the State of Indiana, for the purpose of adding said State in opening a canal to connect the waters of the Wabash River with

those of Lake Erie,\* approved March second, one thousand eight hundred and twentyseven, which shall be in lieu of the aforesaid quantity heretofore sold by the United States, permanently reserved by treaty to individuals, and located by individual grants before the division aforesaid, and which would otherwise have become the property of the said State in virtue of the act above referred to; the selections aforesaid to be made and reported by the Commissioners to the proper land offices, before the reserved sections aforesaid shall be offered for sale.

CHAP. 163. An Act relating to the Orphans' Courts in the District of Columbia.

CHAP. 164. An Act to protect the Surveyors of the Public Lands of the United States, and to punish persons guilty of interrupting and hindering, by force, Surveyors in the discharge of their duty.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who shall hereafter, in any manner, by threats or force, interrupt, hinder or prevent, the surveying of the public lands of the United States, or any private land claim, which has, or may be confirmed by the United States, or the authority thereof, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land Office, or the principal Surveyors in any of the districts, in any State or Territory, shall be considered and adjudged to be guilty of a misdemeanor, and upon conviction in any District or Circuit Court of the United States, in any State or Territory, having jurisdiction of the same, shall be fined a sum not less than fifty dollars, nor more than three thousand dollars, and be imprisoned for a period of time, not less than one nor more than three years.

SECT. 2. *And be it further enacted,* That, whenever the President of the United States shall be satisfied that forcible opposition has been offered, or will likely be offered, to any Surveyor, or deputy Surveyor, or assistant Surveyor, in the discharge of his or their duties, in surveying the public lands of the United States, it shall and may be lawful for the President to order the Marshal of the State or District, by himself or deputy, to attend such Surveyor, deputy, or assistant Surveyor, with sufficient force to protect such officer in the execution of

his duty as Surveyor, and to remove force should any be offered.

CHAP. 165. An Act for the relief of the heirs or representatives of widow Dupre.

CHAP. 166. An Act for the relief of John Conard, Marshal of the Eastern District of Pennsylvania.

CHAP. 167. An Act for the relief of Lieutenant Colonel Enos Cutler of the United States' Army.

CHAP. 168. An Act for the relief of Thomas W. Newton, assignee of Robert Crittenden.

CHAP. 169. An Act for authorizing a patent to be issued to Moses Shaw.

CHAP. 170. An Act for the relief of Meshech Browning.

CHAP. 171. An Act for the relief of Major M. M. Payne, of the United States' Army.

CHAP. 172. An Act for the relief of Isaiah Townsend, Peter Dox, and Gerrit Le Grange, sureties of Gerrit L. Dox.

CHAP. 173. An Act for the relief of Jeremiah Walker, of the State of Louisiana.

CHAP. 174. An Act for the relief of Roger Enos.

CHAP. 175. An Act for the relief of Abel Allen.

CHAP. 176. An Act, to reimburse Lieutenant Daniel Tyler for money advanced by him for the Government of the United States.

CHAP. 177. An Act for the relief of John Scott, executor of Charles Bates, deceased.

CHAP. 178. An Act for the relief of Ephraim F. Gilbert.

CHAP. 179. An Act for the relief of James Fisk.

CHAP. 180. An Act to alter and amend the sixtyfifth article of the first section of an act entitled 'An act for establishing rules and articles for the government of the Armies of the United States,' passed the tenth of April, one thousand eight hundred and six.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, whenever a general officer commanding an army, or a colonel commanding a separate department, shall

be the accuser or prosecutor of any officer in the Army of the United States, under his command; the General Court Martial for the trial of such officer shall be appointed by the President of the United States.

SECT. 2. *And be it further enacted*, That the proceedings and sentence of the said Court shall be sent directly to the Secretary of War, to be by him laid before the President for his confirmation, or approval, or orders in the case.

SECT. 3. *And be it further enacted*, That so much of the sixtysixth article of the first section of 'An act for establishing rules and articles for the government of the Armies of the United States,' passed on the tenth of April, eighteen hundred and six, as is repugnant hereto, be, and the same is hereby repealed.

CHAP. 131. An Act to authorize the selection of certain school lands, in the Territory of Arkansas.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, wherever the sixteenth sections in said Territory, either in whole, or in part, are now, or may hereafter be, included in private claims held by titles confirmed, or legally decided to be valid and sufficient, other lands equivalent thereto and most convenient to the same, may be selected in lieu thereof, under the direction of the Secretary of the Treasury; and the lands so selected shall be entered in the office of the Register of the land district in which they may lie, and be, by such Register, reported to the Commissioner of the General Land Office, as school lands selected under this act: *Provided*, That, before making any entry of such other lands, the case shall be made out to the satisfaction of the Register and Receiver of said district, agreeably to rules to be prescribed by the Commissioner of the General Land Office, for that purpose, shewing that the sixteenth section, or a part thereof, has been included in the manner above-mentioned.

CHAP. 132. An Act granting pensions to Samuel H. Phillips, Cord Hazard and John M'Crary, and to increase the pension of George W. Howard.

CHAP. 133. An Act to provide for Surveying certain Lands in the Territory of Arkansas.

CHAP. 134. An Act to exempt deserters, in time of peace, from the punishment of death.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act, no officer or soldier in the army of the United States, shall be subject to the punishment of death, for desertion in time of peace.

CHAP. 135. An Act to relinquish the reversionary interest of the United States in certain Indian reservations in the State of Alabama.

CHAP. 136. An Act to reduce the duty on Molasses, and to allow a drawback on spirits distilled from foreign materials.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirtieth day of September, one thousand eight hundred and thirty, the duty on molasses shall be five cents for each gallon, and no more; and, from and after that time, there shall be allowed a drawback of four cents upon every gallon of spirits distilled in the United States, or the Territories thereof, from foreign molasses, on the exportation thereof to any foreign port or place other than the dominions of any foreign State immediately adjoining the United States, in the same manner and on the same conditions as before the tariff of May the nineteenth, one thousand eight hundred and twentyeight.

CHAP. 137. An Act for the relief of John Hayner.

CHAP. 138. An Act for the relief of William Morrison.

CHAP. 139. An Act for the relief of Eliza Ives.

CHAP. 140. An Act to reduce the duty on Salt.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, the duty on Salt be fifteen cents per bushel of fifty-six pounds, from the thirtyfirst of December next, until the thirtyfirst of December, one thousand eight hundred and thirtyone; and, after that time, ten cents per bushel, and no more.

CHAP. 141. An Act for the relief of the owners of the ship Alleghany and their legal Representatives.

CHAP. 142. An Act for the relief of David Rogers and Sons.

- CHAP. 193. An Act for the relief of Benjamin Homans.
- CHAP. 194. An Act for the relief of Samuel Sprigg, of Virginia.
- CHAP. 195. An Act for the relief of John Glass.
- CHAP. 196. An Act for the relief of Nathaniel Childers.
- CHAP. 197. An Act for the relief of Alexander Love.
- CHAP. 198. An Act for the relief of Martha Yeomans, widow of John Yeomans, deceased.
- CHAP. 199. An Act for the relief of the heirs of Colonel John Ellis, deceased.
- CHAP. 200. An Act for the relief of David Brooks.
- CHAP. 201. An Act for the benefit of Charles Brown, a soldier of the Revolutionary War.
- CHAP. 202. An Act for the relief of William Price.
- CHAP. 203. An Act for the relief of the legal Representatives of Joseph Jeans, deceased.
- CHAP. 204. An Act for the relief of George Ernanger.
- CHAP. 205. An Act for the settlement of the accounts of Samuel Sitgreaves.
- CHAP. 206. An Act for the relief of Ephraim Whitaker and John J. Jacobs.
- CHAP. 207. An Act to repeal the proviso in the act for the relief of Philip Slaughter, passed the twentysixth May, one thousand eight hundred and twentyeight.
- CHAP. 208. An act to amend the acts regulating the commercial intercourse between the United States and certain colonies of Great Britain.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the vessels of the United States, for an indefinite or for a limited term; that the vessels of the United States and their

cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels or their cargoes, arriving in said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies aforesaid, to any country whatever, other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions or possessions as aforesaid; leaving the commercial intercourse of the United States, with all other parts of the British dominions or possessions, on a footing not less favorable to the United States, than it now is, and that then, and in such case, the President of the United States, shall be, and he is hereby authorized at any time before the next session of Congress to issue his proclamation, declaring that he has received such evidence; and, thereupon, from the date of such proclamation, the ports of the United States shall be opened, indefinitely or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions; and it shall be lawful for the said British vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in vessels of the United States; and the act, entitled 'An act concerning navigation,' passed on the eighteenth day of April, one thousand eight hundred and eighteen; an act supplementary thereto, passed the fifteenth day of May, one thousand eight hundred and twenty, and an act, entitled 'An act to regulate the commercial intercourse between the United States, and certain British ports,' passed on the first day of March, one thousand eight hundred and twentythree, are, in such case, hereby declared to be suspended, or absolutely repealed, as the case may require.

**SEC. 2.** *And be it further enacted,*

That, whenever the ports of the United States shall have been opened, under the authority given in the first section of this act, British vessels and their cargoes shall be admitted to an entry in the ports of the United States from the islands, provinces, or colonies, of Great Britain, on or near the North American continent, and North or East of the United States.

CHAP. 209. An Act to grant preemption rights to settlers on the Public Lands.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every settler or occupant of the Public Lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine, shall be, and he is hereby authorized to enter, with the Register of the Land Office, for the District in which such lands may lie, by legal subdivisions, any number of acres, not more than one hundred and sixty or a quarter section, to include his improvement, upon paying to the United States the then minimum price of said land; *Provided, however,* That no entry or sale of any land shall be made, under the provisions of this act, which shall have been reserved for the use of the United States, or either of the several States, in which any of the public lands may be situated.

SECT. 2. *And be it further enacted,* That if two or more persons be settled upon the same quarter section, the same may be divided between the two first actual settlers, if, by a North and South, or East and West line, the settlement or improvement of each can be included in a half quarter section; and in such case the said settlers shall each be entitled to a preemption of eighty acres of land elsewhere in said land district, so as not to interfere with other settlers having a right of preference.

SECT. 3. *And be it further enacted,* That prior to any entries being made under the privileges given by this act, proof of settlement or improvement shall be made to the satisfaction of the Register and Receiver of the land district in which such lands may lie, agreeably to the rules to be prescribed by the Commissioner of the General Land Office for that purpose, which Register and Receiver shall each be entitled to receive fifty cents for his services therein. And that all assignments and transfers

of the right of preemption given by this act, prior to the issuance of patents, shall be null and void.

SECT. 4. *And be it further enacted,* That this act shall not delay the sale of any of the public lands of the United States, beyond the time which has been, or may be, appointed, for that purpose, by the President's proclamation; nor shall any of the provisions of this act be available to any person, or persons, who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of lands including the tract, or tracts, on which the right of preemption is claimed; nor shall the right of preemption, contemplated by this act, extend to any land, which is reserved from sale, by act of Congress, or by order of the President, or which may have been appropriated, for any purpose whatever.

SECT. 5 *And be it further enacted,* That this act shall be and remain in force, for one year from and after its passage.

CHAP. 210. An Act for the relief of Elizabeth Williams.

CHAP. 211. An Act for the relief of Jasper Parish.

CHAP. 212. An Act to revive and continue in force: An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian.

CHAP. 213. An Act for the relief of Benjamin Wells.

CHAP. 214. An Act increasing the Terms of the Judicial Courts of the United States for the Southern District of New York, and adding to the compensation of several District Judges of the United States.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, hereafter, there shall be held, monthly, in the City of New York, a Session of the District Court of the United States for the Southern District of New York, to commence on the first Tuesday of each month, and be held in the manner now provided by law for holding the stated terms of the said Court.

SECT. 2. *And be it further enacted,* That, hereafter, there shall be held, annually, in the City of New York, two additional Sessions of the Circuit Court of the United States, for the said dis-



trict, for the trial of 'criminal causes, and suits in equity, to commence on the last Monday of February, and the last Monday of July: *And further*, That the said Court may, at its discretion, direct Special Sessions thereof to be held in the said city, for the trial of criminal causes or suits in equity; which said additional and special sessions may be held by the said District Judge alone.

SECT. 3. *And be it further enacted*, That, hereafter, the District Judge for the Southern District of New York, shall reside in the city of New York; and there shall be allowed the said Judge the yearly compensation of thirty-five hundred dollars, to be paid at the Treasury of the United States, in quarterly payments; to the Judge of the Northern District of New York, the sum of two thousand dollars, and to the Judge for the District of Connecticut, one thousand five hundred dollars.

SECT. 4. *And be it further enacted*, That, hereafter, there shall be allowed the District Judges of the United States for the Districts of Massachusetts, South Carolina, Georgia, Alabama, and the Eastern District of Pennsylvania, each, the yearly compensation of two thousand five hundred dollars; and to the District Judges of the following Districts, respectively, the yearly compensation following—to the District Judge of North Carolina, two thousand dollars; of Maine, one thousand eight hundred dollars; of Rhode Island one thousand five hundred dollars; of Delaware one thousand five hundred dollars; of Maryland two thousand dollars; of New Jersey one thousand five hundred dollars; of Vermont one thousand two hundred dollars, and of the Western District of Pennsylvania one thousand eight hundred dollars, to be paid at the Treasury of the United States, in quarterly payments.

CHAP. 215. An Act for the relief of sundry Owners of Vessels sunk for the defence of Baltimore.

CHAP. 216. An Act for the relief of certain Officers and Soldiers of the Virginia Line and Navy, and of the Continental Army, during the Revolutionary war.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the officers and soldiers, sailors and marines, who were in the service of Virginia on her own State establishment during the Revolutionary

war, and who were entitled to military land bounties, by the laws and resolutions of that State, their heirs and assigns, shall be, and they are hereby, authorized, to surrender, to the Secretary of the Treasury of the United States, such of their warrants for the said land bounties as shall remain unsatisfied, in whole or in part, and to receive certificates or scrip for the same at any time before the first day of January, in the year one thousand eight hundred and thirty-five, which certificates or scrip shall be issued by the said Secretary, and signed by him, and countersigned by the Commissioner of the General Land Office, in the following manner, that is to say: There shall be a separate certificate or scrip for such sum as shall, at the time of issuing the same, be equal to the then minimum price of each quantity of eighty acres of land due by such warrant, and remaining unsatisfied at the time of such surrender, and a like certificate or scrip for such sum as, at the time, shall be equal to the minimum price of the quantity that shall so remain unsatisfied, of any such warrant after such subdivisions of the amount into quantities of eighty acres. And where any such warrant shall have been lost or mislaid, by time and accident, it shall and may be lawful for the party desiring to surrender the same, to surrender an official copy thereof, certified under the seal of the land office of Virginia, with the affidavit of the party indorsed upon, or accompanying the same, stating that such warrant has been lost or mislaid, and that the original hath not been sold or transferred, to the knowledge or belief of the party so surrendering, or his or her guardian.

SECT. 2. *And be it further enacted*, That it shall be the duty of the Commissioner of the General Land Office, to request the Executive of Virginia to furnish him with a statement of all such warrants, within the purview of this act, as have already issued, showing the number and date of each warrant, and the quantity of acres granted by each, and also a monthly statement of the same description, showing the number, date, and quantity, of such warrants as shall hereafter be granted. And no warrant shall be taken to be within the provisions of this act, which shall hereafter be granted, unless the Executive of Virginia shall cause a certificate to be indorsed thereon, signed by some proper officer, stating that the party to whom such warrant shall be so granted his, her, or their ancestor or deviser,

was entitled thereto by some law or resolution of the said State, in force at the time of the deed of cession, by the State of Virginia, to the United States.

SECT. 3. *And be it further enacted,* That before the Secretary of the Treasury shall issue the scrip required by the provisions of this bill, the applicants shall produce to him the certificate of the Register of the Land Office in Kentucky, and the certificate of the Surveyor of the military lands of the Virginia line, that the warrants (when the original is presented, or the copy, when the original has been lost or destroyed,) has not been located, surveyed, or patented, in Kentucky, attested, by the seal of his office

SECT. 4. *And be it further enacted,* That the certificates or scrip to be issued by virtue of this act, shall be receivable in payment for any lands hereafter to be purchased, at private sale, after the same shall have been offered at public sale, and shall remain unsold at any of the land offices of the United States, established, or to be established in the States of Ohio, Indiana, and Illinois. And all such certificates or scrip, as shall be issued by virtue of this act, shall be assignable, by indorsement thereon, attested by two witnesses: *Provided,* That all certificates or scrip to be issued, in virtue of any warrant hereafter to be granted, shall be issued to the party originally entitled thereto, or his heir or heirs, devisee or devisees, as the case may be

SECT. 5. *And be it further enacted,* That the provisions of this act shall be deemed and taken to extend to all such officers, soldiers, sailors, marines, chaplains, musicians, surgeons, and surgeons' mates, in the land or sea service of the State of Virginia during the Revolutionary war, and generally, to every person to whom the State had engaged to pay a land bounty for services in that war, of any description, by any law or resolution passed before, and in force at the date of the said deed of cession; except only such persons as are mentioned in, and provided for by the reservation contained in the said deed of cession in favor of the officers and soldiers of the said State on continental establishment: *Provided,* That no scrip issued under the provisions of this act, shall entitle the holder to enter or purchase any settled or occupied lands, without the written consent of such settlers or occupants, as may be actually raiding on said lands at the time the same shall be entered or applied for:

*And provided, also,* That the amount of land thus located, shall not exceed two hundred and sixty thousand acres.

SECT. 6. *And be it further enacted,* That the provisions of the first and fourth sections of this act, shall extend to and embrace owners of military land warrants, issued by the United States, in satisfaction of claims for bounty land for services during the Revolutionary war; and that the laws, heretofore enacted, providing for the issuing said warrants, are hereby revived and continued in force for two years.

SECT. 7. *And be it further enacted,* That the provisions of this act shall also be deemed and taken to extend to all the unsatisfied warrants of the Virginia army on continental establishment: *Provided,* That the quantity thereof shall not exceed fifty thousand acres, in addition to the two hundred and sixty thousand acres heretofore authorized to be located by their State line.

CHAP. 217. An Act for the relief of Lewis Rouse.

CHAP. 218. An Act making appropriations for certain expenditures on account of the Engineer, ordnance, and Quartermaster's Department.

CHAP. 219. An Act making a reappropriation of a sum heretofore appropriated for the suppression of the slave trade.

CHAP. 220. An Act to repeal the tonnage duties upon ships and vessels of the United States, and upon certain foreign vessels.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, from and after the first day of April next, no duties upon the tonnage of the ships and vessels of the United States, of which the officers and two thirds of the crew shall be citizens of the United States, shall be levied or collected; and all acts and parts of acts imposing duties upon the tonnage of ships and vessels of the United States officered and manned as aforesaid, so far as the same relate to the imposition of such duties, shall, from and after said first day of April next, be repealed.

SECT. 2. *And be it further enacted,* That, from and after the said first day of April next, all acts and parts of acts imposing duties upon the tonnage of the ships and vessels of any foreign nation, so far as the same relate to the imposition of such duties, shall be repealed: *Provided,* That the President of the United

States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished.

**CHAP. 221.** An Act to authorize the President of the United States to cause the present site of the National Mint to be sold, and making an appropriation for completing the new buildings now erecting.

**CHAP. 222.** An Act authorizing the County of Allen to purchase a portion of the reservation including Fort Wayne.

**CHAP. 223.** An Act for the relief of John Reily.

**CHAP. 224.** An Act for the relief of John Baptiste Jerome.

**CHAP. 225.** An Act for the relief of the legal representatives of Simcon Theus, deceased.

**CHAP. 226.** An Act for the relief of John F. Carmichael, of the State of Mississippi.

**CHAP. 227.** An Act for the relief of Gabriel Godfroy.

**CHAP. 228.** An Act for the relief of Samuel Ward.

**CHAP. 229.** An Act to amend the act, entitled 'An act for the relief of certain surviving Officers and Soldiers of the Army of the Revolution.'

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that the second section of the act, entitled 'An act for the relief of certain surviving Officers and Soldiers of the Army of the Revolution,' approved the fifteenth of May, one thousand eight hundred and twentyeight, shall not be construed to embrace Invalid Pensioners, and that the pension of invalid soldiers, shall not be deducted from the amount receivable by them under the said act.

**CHAP. 230.** An Act to amend the Charter of Georgetown.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That public notice of the time and place of sale of any real property chargeable with taxes in Georgetown, in all cases hereafter, shall be given once in each week, for twelve successive weeks, in some one newspaper in the County of Washington, in which shall be stated the number of the lot or lots, or

parts thereof, intended to be sold, and the value of the assessment, and the amount of the taxes due and owing thereon; and that so much of the seventh section of an act of Congress, approved May twentysixth, one thousand eight hundred and twentyfour, as requires said notice to be given in the National Intelligencer, and in a newspaper in Alexandria, be, and the same is hereby repealed; *Provided,* That nothing in this act shall change the manner of giving notice of the sales of property owned by persons not residing in the District of Columbia.

**SECT. 2.** *And be it further enacted,* That on the fourth Monday of February next, and on the same day biennially thereafter, the citizens of Georgetown, qualified to vote for Members of the two Boards of the Corporation of said Town, shall, by ballot, elect some fit and proper persons having the qualifications now required by law to be Mayor of the Corporation of Georgetown, to continue in Office two years, and until a successor is duly elected, and the person having at said election, which shall be conducted by Judges of election appointed by the Corporation, the greatest number of legal votes, shall be declared duly elected, and in the event of an equal number of votes being given to two or more candidates, the two Boards in joint meeting, by ballot, shall elect the Mayor from the persons having such equal number of votes.

**SECT. 3.** *And be it further enacted,* That in the event of the death or resignation of the Mayor, or his inability to discharge the duties of his office, the two Boards of the Corporation, in joint meeting, by ballot, shall elect some fit person to fill the Office until the next regular election.

**SECT. 4.** *And be it further enacted,* That the present Mayor of Georgetown shall continue to fill the office of Mayor until the fourth Monday of February next.

**SECT. 5.** *And be it further enacted,* That, so much of the present Charter of Georgetown, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

**CHAP. 231.** An Act for the relief of David Beard.

**CHAP. 232.** An Act for the relief of Isaac Phinney.

**CHAP. 233.** An Act making appropriations for examinations and surveys, and also, for certain works of Internal Improvement.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated viz.

For defraying the expenses incidental to making examinations and surveys for National works, under the act of thirtieth April, one thousand eight hundred and twentyfour, including five thousand one hundred and four dollars and twentyseven cents, for arrearages on account of surveys and office rent, in the years one thousand eight hundred and twentysix, one thousand eight hundred and twentyseven, and one thousand eight hundred and twentyeight, thirty thousand dollars.

For continuing the road from Detroit to Fort Gratiot, seven thousand dollars.

For continuing the road from Detroit to Saginaw Bay, seven thousand dollars.

For continuing the road from Detroit to Chicago, eight thousand dollars.

For completing repairs on the road between Alachua Court House, and Jacksonville, in Florida, two thousand dollars.

For completing the road from Alagua to Mariana, two thousand dollars.

For completing the survey and estimate of a canal to connect the waters of the Atlantic with the Gulf of Mexico, ten thousand four hundred dollars. And it shall be the duty of the Secretary of War to cause a detailed report to be made out, shewing the practicability or impracticability of making a ship or other canal, and the reasons for either, with an estimate of the probable expense and advantages of such canal as may be considered practicable.

**SECT. 2.** *And be it further enacted,* That the sum of one hundred thousand dollars be, and the same is hereby appropriated for the purpose of opening, grading and making the Cumberland road, westwardly of Zanesville, in the State of Ohio; and that the sum of sixty thousand dollars be, and the same is hereby appropriated for the purpose of opening, grading, and bridging the Cumberland road, in the State of Indiana, commencing at Indianapolis, and progressing with the work to the eastern and western boundaries of said State, and that the sum of forty thousand dollars be, and the same is hereby appropriated for the purpose of opening, grading, and bridging the Cumberland road in the State of Illinois; which said sums shall be paid out of any money not otherwise

appropriated, and replaced out of the fund reserved for laying out and making roads, under the direction of Congress, by the several acts passed for the admission of the States of Ohio, Indiana, Illinois, and Missouri, into the Union, on an equal footing with the original States.

**SECT. 3.** *And be it further enacted,* That for the immediate accomplishment of these objects, the superintendents heretofore appointed, or hereafter to be appointed in the States of Ohio, Indiana, Illinois, shall, under the direction of the President of the United States, faithfully execute the work, and disburse the money, giving bond and security as he shall direct, and receiving such compensation as in his opinion shall be equitable and just, not exceeding to each that heretofore allowed by law to the Superintendent of the Cumberland road in the State of Ohio.

**SECT. 4.** *And be it further enacted,* That the sum of fifteen thousand dollars be, and the same is hereby granted, for claims due and remaining unpaid at the Treasury, on account of the Cumberland road, east of Wheeling, to be paid out of any money in the Treasury not otherwise appropriated.

I approve this bill, and ask a reference to my communication to Congress of this date, in relation thereto.

ANDREW JACKSON.

CHAP. 234. An Act making additional Appropriations for pay of the Marine Corps.

CHAP. 235. An Act to authorize the payment of the Claim of the State of Massachusetts, for certain services of her Militia during the late war.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proper accounting officers of the Treasury, under the superintendence of the Secretary of War, be, and they are hereby authorized and directed to credit and settle the claims of the State of Massachusetts against the United States for the services of her Militia during the late war, in the following cases: First, where the Militia of the said State were called out to repel actual invasion, or under a well founded apprehension of invasion: *Provided,* their numbers were not in undue proportion to the exigency; second, where they were called out by the authority of the State, and afterwards

recognised by the Federal Government; and thirdly, where they were called out by, and served under, the requisition of the President of the United States, or of any officer thereof.

SECT. 2. *And be it further enacted*, That the sum of four hundred and thirty thousand seven hundred and fortyeight dollars and twentysix cents, if so much be necessary, be applied to the foregoing purposes, out of any moneys in the Treasury, not otherwise appropriated.

CHAP. 236. An Act for the relief of sundry Citizens of the United States who have lost property by the depredations of certain Indian tribes.

Approved May 31, 1830.

### RESOLUTIONS.

No. 1. Resolution, authorizing the purchase of fifty copies of the sixth volume of the Laws of the United States.

Approved, Dec. 29, 1820.

2. Resolution, granting the use of the books in the Library of Congress, to the Heads of Departments, to certain officers of Congress, and to Ex-Presidents of the United States.

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the Senate and Speaker of the House of Representatives, for the time being, be, and they are hereby authorized to grant the use of the books in the Library of Congress, to the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Secretary of the Senate, and Clerk of the House of Representatives, the Chaplains of Congress, and any individual when in the District of Columbia, who may have been President of the United States; at the times, and on the same terms, conditions, and restrictions, as members of Congress are allowed to use said books.

Approved, Jan. 13, 1830.

No. 3. A Resolution authorizing the transmission of papers, by mail, relating to the fifth Census.

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the thirteenth section of the act of the third of March, one thousand eight hundred and twentyfive, as restricts the weight of packages by mail, shall not apply to the transmission

of papers relating to the fifth census, or enumeration of the inhabitants of the United States.

Approved, April 30, 1830.

No. 4. Resolution for obtaining the aggregate returns of former enumerations of the population of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Clerks of the several District and Superior Courts of the United States be, and they are, hereby directed to transmit to the Secretary of State, the several returns of the enumeration of the Inhabitants of the United States, filed in their respective offices by direction of the several acts of Congress, passed the first of March, one thousand seven hundred and ninety; the twentyeighth of February, one thousand eight hundred; the twentysixth of March, one thousand eight hundred and ten, and the fourteenth of March, one thousand eight hundred and twenty.

Approved, May 28, 1830.

No. 5. Resolution to suspend proceedings against the Corporation of the House of Refuge in New York.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and is hereby directed to suspend all proceedings for the collection of a debt due to the United States from the Society or Corporation of the House of Refuge in the State of New York, until the end of the next session of Congress.

No. 6. Resolution in relation to the Compensation of Officers of the Marine Corps.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the pay, subsistence, emoluments and allowances received by the officers of the Marine Corps, previous to the first of April, eighteen hundred and twentynine, be, and the same is hereby directed to be continued to them from that date up to the twentyeighth of February one thousand eight hundred and thirtyone.

No. 7. Resolution requiring annual Reports to be made to Congress, in relation to applications for Pensions.

*Resolved by the Senate and House of Representatives of the United States of*

ACTS OF TWENTYFIRST CONGRESS.— 1st Session. [237

*America in Congress assembled*, That the Heads of Department, who may severally [be] charged with the administration of the pension laws of the United States of America, be, and they hereby are, respectively, directed and required, as soon as may be after the opening of each Session of Congress, to present to the Senate and House of Representatives, a several list of such persons, whether Revolutionary, invalid, or otherwise, as shall have made application for a pension, or an increase of pen-

sion. and as, in their opinion, respectively, ought to be placed upon the pension roll, or otherwise provided for, and for doing which they have no sufficient power or authority, with the names and residence of such persons, the capacity in which they served, the degree of relief proposed, and a brief statement of the grounds thereof, to the end that Congress may consider the same.

Approved, May 29, 1830.



# TRIALS AND LEGAL DECISIONS.

## CONSTITUTIONAL QUESTIONS,

DECIDED BY THE

## SUPREME COURT OF THE UNITED STATES,

JANUARY TERM, 1830.

*James Jackson ex. dem Harman V. Hart vs. Elias Lamphire.*

THIS case was brought by writ of Error, from the court of errors, for the State of New York. It arose out of a conflicting claim to a military tract in Dryden, Tompkins County, and formerly part of Onondaga County.

The title of the plaintiff was derived from a patent issued to John Cornelius, July 17th, 1790, and a conveyance in fee from the patentee, to Henry Hart, ancestor of the plaintiff, dated, January 17th, 1784, and proved and recorded, April 25th, 1795.

Defendant's title was derived from the same patent, and a deed from the patentee to Samuel Broom, executed June 23d, 1784, proved Oct. 31st, 1791, and recorded April 3d, 1795.

S. Brewer conveyed by deed to W. J. Vredenburg, by whom the lot was conveyed to defendant. On the 21th of March, 1797, an act was passed by the Legislature of New York, to settle disputes concerning titles to lands in the County of Onondaga. Under this act the land in dispute was awarded to defendant. An action of ejectment was brought for its recovery, and under the directions of the Judge, the jury found a verdict for the defendant. That decision having been confirmed, the cause was brought up on the following points: that the letters patent created a contract — that the patentee should not be deprived of his land by any law inconsistent with the State Constitution — that the act was in violation of the State Constitution — that it impaired the obligation of contracts — that the commission created by it was an arbitrary court, whose decisions were not binding — not

being in conformity with the laws of the land. Mr Storrs argued the cause in behalf of the plaintiff, and Mr Hoffman for the defendant. Justice Baldwin delivered the opinion of the court.

Both parties claim the premises in question, under John Cornelius, to whom the State of New York granted them by patent, dated the 17th of July, 1790, in consideration of his military services in the revolutionary war.

Six years before the date of the patent, and while the title of Cornelius was imperfect, he conveyed the premises to Henry Hart, the father of the plaintiff's lessor, by deed, dated January 17th, 1784, proved and deposited in the office of the clerk of the County of Albany, according to law, on the 25th of April, 1795.

Henry Hart died in 1788, leaving the plaintiff, his only child and heir at law, who was born the 21st of September, 1784, removed to Canada in 1791, and remained there till 1807, or 1808, when he returned to Albany, where he resided till the commencement of this suit of May Term, 1825: he claims as heir at law to his father.

On the 23d of June, 1784, John Cornelius conveyed the same premises to Samuel Broom by deed, duly proved and deposited as aforesaid on the 3d of April, 1795. The title of Broom, by sundry mesne conveyances, became vested in William J. Vredenburg, who conveyed to the defendant. The premises were vacant till 1808, when possession was taken under Vredenburg, who then held the title of Broom.

The defendant did not question the



original validity of the deed to Henry Hart, but rested his defence on an act of assembly of the State of New York, passed the 24th of March, 1797, to settle disputes concerning titles to lands in the County of Onondaga, the provisions of which are set forth in the case.

The defendant offered in evidence, an award made by two of the commissioners appointed by this act, awarding the land in controversy to William J. Vredenburg, and John Patterson, (to whom Broom had conveyed,) the award was dated December 17th, 1799, and no dissent was entered by the plaintiff. The court admitted the award to be read in evidence, and gave in charge to the jury, that it was competent and conclusive to defeat the title of the plaintiff. Judgment was rendered for the defendant in the Supreme Court, and affirmed in the court of Errors, and the case comes before us, by writ of error, under the twenty-fifth section of the judiciary act. The plaintiff contends, that the act of the 24th of March, 1797, and all proceedings under it, are void: being a violation both of that part of the Constitution of the United States which declares, that no State shall pass any law impairing the obligation of contracts; and of the Constitution of the State of New York, which declares that the legislature shall at no time institute any new court but such as shall proceed according to the course of the common law, and that trial by jury in all cases in which it hath heretofore been used, shall be established, and remain inviolate forever. This court has no authority, on a writ of error from a State court, to declare a State law void, on account of its collision with a State Constitution; it not being a case embraced in the judiciary act, which alone gives power to issue a writ of error in this case, and will therefore refrain from expressing any opinion on the points made by the plaintiff's counsel, in relation to the Constitution of New York. The plaintiff insists that the patent to John Cornelius creates a contract with the grantee, his heirs and assigns, that they should enjoy the land therein granted, free from any legislative regulations to be made in violation of the Constitution of the State; that the act in question does violate some of its provisions; and therefore impairs the obligation of a contract. The court are not inclined to adopt this reasoning, or to consider this as a case coming fairly within the clause of the Constitution of the United States, relied on by the plaintiff. The only contract made by the State is a grant to

John Cornelius, his heirs and assigns, of the land in question; the patent contains no covenant to do or not to do any further act in relation to the land; and we do not in this case feel at liberty to create one by implication. The State has not by this act impaired the force of the grant, it does not profess or attempt to take the land from the assigns of Cornelius, and give it to one not claiming under him; neither does the award produce that effect; the grant remains in full force, the property conveyed is held by his grantee, and the State asserts no claims to it. The question between the parties is, which of the deeds from Cornelius carries the title. Presuming that the laws of New York authorized a soldier to convey his bounty land before receiving a patent, and that at the date of the deeds, there was no law compelling the grantees to record them, they would take priority from their date. This is the legal result of the deeds, but there is no contract on the part of the State, that the priority of title shall depend solely on the principles of the common law, or that the State shall pass no law imposing on a grantee the performance of acts which were not necessary to the legal operation of his deed at the time it was delivered. It is within the undoubted power of State legislatures to pass recording acts, by which the elder grantee shall be postponed to a younger; if the prior deed is not recorded within the limited time; and the power is the same, whether the deed is dated before or after the passage of the recording act. Though the effect of such a law is to render the prior deed fraudulent and void against a subsequent purchaser, it is not a law impairing the obligation of contracts; such too is the power to pass acts of limitations, and their effect. Reasons of sound policy have led to the general adoption of laws of both descriptions, and their validity cannot be questioned. The time and manner of their operation, the exceptions to them, and the acts from which the time limited shall begin to run, will generally depend on the sound discretion of the legislature, according to the nature of the titles, the situation of the countries, and the emergency which leads to their enactment. Cases may occur when the provisions of a law on those subjects may be as unreasonable as to amount to a denial of a right, and call for the interposition of the court; but the present is not one.

The State of New York, in 1794, had felt the necessity of legislating on these

military lands. The preamble to the recording act of January, 1794, shows very strongly the policy of compelling the deeds for these lands to be recorded; and the known condition of that part of the State, covered by military grants, presented equally cogent reasons, in our opinion, for the passage of the act in question. As this court is confined to the consideration of only one question growing out of this law, we do not think it necessary to examine its provisions in detail: it is sufficient to say, that we can see nothing in them inconsistent with the Constitution of the United States, or

the principles of sound legislation. Whether it is considered as an act of limitations, or one in the nature of a recording act, or as a law sui generis, called for by the peculiar situation of that part of the State on which it operates; we are unanimously of opinion, that it is not a law which impairs the obligation of a contract; and that in receiving the award in evidence, and declaring it to be competent and conclusive on the right of the plaintiff, there was no error in the judgment of the court below. The judgment is therefore affirmed.

### *Hiram Craig, John Moore, and Ephraim Moore vs. The State of Missouri.*

THIS was a writ of error to the Supreme Court of the State of Missouri.

The action arose on a promissory note given for certificates issued at the loan office of Chariton in Missouri, payable to the State of Missouri, under the act of the legislature 'establishing loan offices.'

Mr. Shelley, for the plaintiffs in error, contended, that this act of the legislature was unconstitutional and void: being repugnant to the provision of the constitution of the United States, which declares that no State shall emit bills of credit.

Mr. Benton appeared for the defendant in error.

Mr. Chief Justice Marshall delivered the opinion of the court. Justices Thompson, Johnson and McLean dissenting.

This is a writ of error to a judgment rendered in the court of last resort, in the state of Missouri: affirming a judgment obtained by the State in one of its inferior courts against Hiram Craig and others, on a promissory note.

The judgment is in these words: 'and afterwards at a court,' &c., 'the parties came into court by their attorneys, and, neither party desiring a jury, the cause is submitted to the court; therefore, all and singular the matters and things being seen and heard by the court, it is found by them, that the said defendants did assume upon themselves, in manner and form, as the plaintiff by her counsel alleged. And the court also find, that the consideration for which the writing declared upon and the assumpsit was made, was for the loan of loan office

certificates, loaned by the state at her loan office at Chariton; which certificates were issued, and the loan made in the manner pointed out by an act of the legislature of the said state of Missouri, approved the 27th day of June, 1821, entitled an act for the establishment of loan offices, and the acts amendatory and supplementary thereto: and the court do further find, that the plaintiff has sustained damages by reason of the non-performance of the assumptions and undertakings of them, the said defendants, to the sum of two hundred and thirty-seven dollars and seventy-nine cents, and do assess her damages to that sum. Therefore it is considered, &c.

The first inquiry is into the jurisdiction of the court.

The twenty-fifth section of the judicial act declares, 'that a final judgment or decree in any suit in the highest court of law or equity of a state, in which a decision in the suit could be had, where is drawn in question' 'the validity of a statute of, or an authority exercised under any state, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decision is in favor of such their validity,' 'may be re-examined, and reversed or affirmed in the Supreme Court of the United States.'

To give jurisdiction to this court, it must appear in the record, 1. That the validity of a statute of the State of Missouri was drawn in question; on the ground of its being repugnant to the Constitution of the United States. 2.

That the decision was in favor of its validity.

1. To determine whether the validity of a statute of the State was drawn in question, it will be proper to inspect the pleadings in the cause, as well as the judgment of the court.

The declaration is on a promissory note, dated on the 1st day of August, 1822, promising to pay to the State of Missouri, on the 1st day of November, 1822, at the loan office in Chariton, the sum of one hundred and ninety-nine dollars ninety-nine cents, and the two per cent per annum, the interest accruing on the certificates borrowed from the 1st of October, 1821. This note is obviously given for certificates loaned under the act, 'for the establishment of loan offices.' That act directs that loans on personal securities shall be made of sums less than two hundred dollars. This note is for one hundred and ninety-nine dollars ninety-nine cents. The act directs that the certificates issued by the State shall carry two per cent interest from the date, which interest shall be calculated in the amount of the loan. The note promises to repay the sum, with the two per cent interest accruing on the certificates borrowed, from the 1st day of October, 1821. It cannot be doubted that the declaration is on a note given in pursuance of the act which has been mentioned.

Neither can it be doubted that the plea of non-assumpsit allowed the defendants to draw into question at the trial the validity of the consideration on which the note was given. Everything which disaffirms the contract, everything which shows it to be void, may be given in evidence on the general issue in an action of assumpsit. The defendants, therefore, were at liberty to question the validity of the consideration which was the foundation of the contract, and the constitutionality of the law in which it originated.

Have they done so?

Had the cause been tried before a jury, the regular course would have been to move the court to instruct the jury that the act of assembly, in pursuance of which the note was given, was repugnant to the Constitution of the United States; and to except to the charge of the judges, if in favor of its validity; or a special verdict might have been found by the jury, stating the act of assembly, the execution of the note in payment of certificates loaned in pursuance of that act; and referring its valid-

ity to the court. The one course or the other would have shown that the validity of the act of assembly was drawn into question, on the ground of its repugnancy to the Constitution; and that the decision of the court was in favor of its validity. But the one course or the other, would have required both a court and jury. Neither could be pursued where the office of the jury was performed by the court. In such a case, the obvious substitute for an instruction to the jury, or a special verdict, is a statement by the court of the points in controversy, on which its judgment is founded. This may not be the usual mode of proceeding, but it is an obvious mode; and if the court of the state has adopted it, this court cannot give up substance for form.

The arguments of counsel cannot be spread on the record. The points urged in argument cannot appear. But the motives stated by the court on the record for its judgment, and which form a part of the judgment itself, must be considered as exhibiting the points to which those arguments were directed, and the judgment as showing the decision of the court upon those points. There was no jury to find the facts and refer the law to the court; but if the court, which was substituted for the jury, has found the facts on which its judgment was rendered; its finding must be equivalent to the finding of a jury. Has the court, then, substituting itself for a jury, placed facts upon the record, which, connected with the pleadings, show that the act in pursuance of which this note was executed was drawn into question, on the ground of its repugnancy to the Constitution?

After finding that the defendants did assume upon themselves, &c. the court proceeds to find 'that the consideration for which the writing declared upon and the assumpsit was made, was the loan of loan office certificates loaned by the State at her loan office at Chariton; which certificates were issued and the loan made, in the manner pointed out by an act of the legislature of the said State of Missouri, approved the 27th of June, 1821, entitled, &c.'

Why did not the court stop immediately after the usual finding that the defendants assumed upon themselves? Why proceed to find that the note was given for loan office certificates issued under the act contended to be unconstitutional, and loaned in pursuance of that act; if the matter thus found was irrelevant to the question they were to decide?

Suppose the statement made by the

court to be contained in the verdict of a jury which concludes with referring to the court the validity of the note thus taken in pursuance of the act; would not such a verdict bring the constitutionality of the act, as well as its construction, directly before the court? We think it would: such a verdict would find that the consideration of the note was loan office certificates, issued and loaned in the manner prescribed by the act. What could be referred to the court by such a verdict, but the obligation of the law? It finds that the certificates for which the note was given, were issued in pursuance of the act, and that the contract was made in conformity with it. Admit the obligation of the act, and the verdict is for the plaintiff; deny its obligation, and the verdict is for the defendant. On what ground can its obligation be contested, but its repugnancy to the Constitution of the United States? No other is suggested. At any rate, it is open to that objection. If it be in truth repugnant to the Constitution of the United States, that repugnancy might have been urged in the State, and may consequently be urged in this court; since it is presented by the facts in the record which were found by the court that tried the cause.

It is impossible to doubt that, in point of fact, the constitutionality of the act under which the certificates were issued that formed the consideration of this note, constituted the only real question made by the parties, and the only real question decided by the Court. But the record is to be inspected with judicial eyes; and, as it does not state in express terms that this point was made, it has been contended that this Court cannot assume the fact that it was made or determined in the tribunal of the State.

The record shows distinctly that this point existed, and that no other did exist; the special statement of facts made by the Court as exhibiting the foundation of its judgment contains this point and no other. The record shows clearly that the cause did depend, and must depend, on this point alone. If in such a case, the mere omission of the Court of Missouri, to say, in terms, that the act of the legislature was constitutional, withdraws that point from the cause, or must close the judicial eyes of the appellate tribunal upon it; nothing can be more obvious, than that the provisions of the Constitution, and of an act of Congress, may be always evaded; and may be often, as we think they would be in this case, unintentionally defeated.

But this question has frequently occurred and has, we think, been frequently decided in this Court. *Smith vs. The State of Maryland*, 6 Cranch, 286. *Martin vs. Hunter's Lessee*, 1 Wheat. 255. *Miller vs. Nicholls*, 4 Wheat. 311. *Williams vs. Norris*, 12 Wheat. 117. *Wilson and others vs. The Black Bird Creek Marsh Company*, 2 Peters, 215, and *Harris vs. Dennie*, in this term; are all, we think, expressly in point. There has been perfect uniformity in the construction given by this court to the twenty-fifth section of the judicial act. That construction is, that it is not necessary to state, in terms, on the record, that the Constitution, or a treaty or law of the United States has been drawn in question, or the validity of a State law, on the ground of its repugnancy to the Constitution. It is sufficient if the record shows that the Constitution, or a treaty or law of the United States must have been construed, or that the constitutionality of a State law must have been questioned; and the decision has been in favor of the party claiming under such law.

We think, then, that the facts stated on the record presented the question of repugnancy between the Constitution of the United States and the act of Missouri to the court for its decision. If it was presented, we are to inquire.

2. Was the decision of the Court in favor of its validity?

The judgment in favor of the plaintiff is a decision in favor of the validity of the contract, and consequently of the validity of the law by the authority of which the contract was made.

The case is, we think, within the twenty-fifth section of the judicial act, and consequently within the jurisdiction of this court.

This brings us to the great question in the cause: Is the act of the legislature of Missouri repugnant to the Constitution of the United States?

The counsel for the plaintiffs in error maintain that it is repugnant to the Constitution, because its object is the emission of bills of credit contrary to the express prohibition contained in the tenth section of the first article.

The act under the authority of which the certificates loaned to the plaintiffs in error were issued, was passed on the 26th of June, 1821, and is entitled 'an act for the establishment of loan offices.' The provisions that are material to the present inquiry, are comprehended in the third, thirteenth, fifteenth, sixteenth,

twentythird and twentyfourth sections of the act, which are in these words :

Section the third enacts : ' that the auditor of public accounts and treasurer, under the direction of the governor, shall and they are hereby required to issue certificates, signed by the said auditor and treasurer, to the amount of two hundred thousand dollars, of denominations not exceeding ten dollars, nor less than fifty cents (to bear such devices as they may deem the most safe,) in the following form, to wit. " This certificate shall be receivable at the treasury, or any of the loan offices of the state of Missouri, in the discharge of taxes or debts due to the State for the sum of \$——, with interest for the same, at the rate of two per centum per annum from this date, the —— day of —— 182 .''

The thirteenth section declares ; ' that the certificates of the said loan office shall be receivable at the treasury of the State, and by all tax gatherers and other public officers, in payment of taxes or other moneys now due to the State or to any county or town therein and the said certificates shall also be received by all officers civil and military in the State, in the discharge of salaries and fees of office.'

The fifteenth section provides : ' that the commissioners of the said loan offices shall have power to make loans of the said certificates, to citizens of this State, residing within their respective districts only, and in each district a proportion shall be loaned to the citizens of each county therein, according to the number thereof,' &c.

Section sixteenth. ' That the said commissioners of each of the said offices are further authorized to make loans on personal securities by them deemed good and sufficient, for sums less than two hundred dollars : which securities shall be jointly and severally bound for the payment of the amount so loaned, with interest thereon,' &c.

Section twentythird. ' That the general assembly shall, as soon as may be, cause the salt springs and lands attached thereto, given by Congress to this State, to be leased out, and it shall always be the fundamental condition in such leases, that the lessee or lessees shall receive the certificates hereby required to be issued, in payment for salt, at a price not exceeding that which may be prescribed by law : and all the proceeds of the said salt springs, the interest accruing to the State, and all estates purchased by officers of the said several offices under the provisions of this act, and all the debts now due or hereafter to be due to this

State ; are hereby pledged and constituted a fund for the redemption of the certificates hereby required to be issued, and the faith of the State is hereby also pledged for the same purpose.'

Section twentyfourth. ' That it shall be the duty of the said auditor and treasurer to withdraw annually from circulation, one tenth part of the certificates which are hereby required to be issued,' &c.

The clause in the Constitution which this act is supposed to violate, is in these words : ' No State shall ' emit bills of credit.'

What is a bill of credit ? What did the Constitution mean to forbid ?

In its enlarged, and perhaps its literal sense, the term ' bill of credit ' may comprehend any instrument by which a State engages to pay money at a future day ; thus including a certificate given for money borrowed. But the language of the Constitution itself, and the mischief to be prevented, which we know from the history of our country, equally limit the interpretation of the terms. The word ' emit,' is never employed in describing those contracts by which a State binds itself to pay money at a future day for services actually received, or for money borrowed for present use ; nor are instruments executed for such purposes, in common language, denominated ' bills of credit.' To ' emit bills of credit,' conveys to the mind the idea of issuing paper intended to circulate through the community for its ordinary purposes, as money, which paper is redeemable at a future day. This is the sense in which the terms have been always understood.

At a very early period of our colonial history, the attempt to supply the want of the precious metals by a paper medium was made to a considerable extent ; and the bills emitted for this purpose have been frequently denominated bills of credit. During the war of our revolution, we were driven to this expedient ; and necessity compelled us to use it to a most fearful extent. The term has acquired an appropriate meaning ; and ' bills of credit ' signify a paper medium, intended to circulate between individuals, and between government and individuals, for the ordinary purposes of society. Such a medium has been always liable to considerable fluctuation. Its value is continually changing ; and these changes, often great and sudden, expose individuals to immense loss, are the sources of ruinous speculations, and destroy all confidence between man and

man. To cut up this mischief by the roots, a mischief which was felt through the United States, and which deeply affected the interest and prosperity of all; the people declared in their Constitution, that no State should emit bills of credit. If the prohibition means anything, if the words are not empty sounds, it must comprehend the emission of any paper medium, by a State Government, for the purpose of common circulation.

What is the character of the certificates issued by authority of the act under consideration? What office are they to perform? Certificates signed by the auditor and treasurer of the State, are to be issued by those officers to the amount of two hundred thousand dollars, of denominations not exceeding ten dollars, nor less than fifty cents. The paper purports, on its face to be receivable at the treasury, or at any loan office of the State of Missouri, in discharge of taxes or debts due to the State.

The law makes them receivable in discharge of all taxes, or debts due to the State; or any County or town therein; and of all salaries and fees of office, to all offices civil and military within the State; and for salt sold by the lessees of the public salt works. It so pledges the faith and funds of the State for their redemption.

It seems impossible to doubt the intention of the legislature in passing this act, or to mistake the character of these certificates, for the office they were to perform. The denominations of the bills, from ten dollars to fifty cents, fitted them for the purpose of ordinary circulation; and their reception in payment of taxes, and debts to the government and to corporations, and of salaries and fees, would give them currency. They were to be put into circulation; that is, emitted, by the government. In addition to all these evidences of an intention to make these certificates the ordinary circulating medium of the country, the law speaks of them in this character; and directs the auditor and treasurer to withdraw annually one tenth of them from circulation. Had they been termed 'bills of credit,' instead of 'certificates,' nothing would have been wanting to bring them within the prohibitory words of the Constitution.

And can this make any real difference? Is the proposition to be maintained, that the Constitution meant to prohibit names and not things? That a very important act, big with great and ruinous mischief, which is expressly forbidden by words most appropriate for its description, may

be performed by the substitution of a name? That the Constitution, in one of its most important provisions, may be openly evaded by giving a new name to an old thing? We cannot think so. We think the certificates emitted under the authority of this act, are as entirely bills of credit, as if they had been so denominated in the act itself.

But it is contended, that though these certificates should be deemed bills of credit, according to the common acceptation of the term, they are not so in the sense of the Constitution; because they are not made a legal tender.

The Constitution itself furnishes no countenance to this distinction. The prohibition is general. It extends to all bills of credit, not to bills of a particular description. That tribunal must be bold indeed, which, without the aid of other explanatory words, could venture on this construction. It is the less admissible in this case, because the same clause of the Constitution contains a substantive prohibition to the enactment of tender laws. The Constitution, therefore, considers the emission of bills of credit, and the enactment of tender laws, as distinct operations, independent of each other, which may be separately performed. Both are forbidden. To sustain the one, because it is not also the other; to say that bills of credit may be emitted, if they be not made a tender in payment of debts; is, in effect, to expunge that distinct independent prohibition, and to read the clause as if it had been entirely omitted. We are not at liberty to do this.

The history of paper money has been referred to, for the purpose of showing that its great mischief consists in being made a tender; and that therefore the general words of the Constitution may be restrained to a particular intent.

Was it even true, that the evils of paper money resulted solely from the quality of its being made a tender, this court would not feel itself authorized to disregard the plain meaning of words, in search of a conjectural intent to which we are not conducted by the language of any part of the instrument. But we do not think that the history of our country proves either, that being made a tender in payment of debts, is an essential quality of bills of credit, or the only mischief resulting from them. It may, indeed, be the most pernicious; but that will not authorize a court to convert a general into a particular prohibition.

We learn from Hutchinson's History

of Massachusetts, vol. 1. p. 402, that bills of credit were emitted for the first time in that colony in 1690. An army returning unexpectedly from an expedition against Canada, which had proved as disastrous as the plan was magnificent, found the government totally unprepared to meet their claims. Bills of credit were resorted to, for relief from this embarrassment. They do not appear to have been made a tender; but they were not on that account the less bills of credit, nor were they absolutely harmless. The emission, however, not being considerable, and the bills being soon redeemed, the experiment would have been productive of not much mischief, had it not been followed by repeated emissions to a much larger amount. The subsequent history of Massachusetts abounds with proofs of the evils with which paper money is fraught, whether it be or be not a legal tender.

Paper money was also issued in other colonies, both in the north and south; and whether made a tender or not, was productive of evils in proportion to the quantity emitted. In the war which commenced in America in 1755, Virginia issued paper money at several successive sessions, under the appellation of treasury notes. This was made a tender. Emissions were afterwards made in 1769, in 1771, and in 1773. These were not made a tender; but they circulated together; were equally bills of credit; and were productive of the same effects. In 1775 a considerable emission was made for the purposes of the war. The bills were declared to be current, but were not made a tender. In 1776, an additional emission was made, and the bills were declared to be a tender. The bills of 1775 and 1776 circulated together; were equally bills of credit; and were productive of the same consequences.

Congress emitted bills of credit to a large amount; and did not, perhaps could not, make them a legal tender. This power resided in the States. In May 1777, the legislature of Virginia passed an act for the first time making the bills of credit, issued under the authority of Congress, a tender so far as to extinguish interest. It was not until March, 1781, that Virginia passed an act making all the bills of credit which had been emitted by Congress, and all which had been emitted by the State, a legal tender in payment of debts. Yet they were in every sense of the word bills of credit, previous to that time; and were

productive of all the consequences of paper money. We cannot then assent to the proposition, that the history of our country furnishes any just argument in favor of that restricted construction of the Constitution, for which the counsel for the defendant in error contends.

The certificates for which this note was given, being in truth 'bills of credit' in the sense of the Constitution, we are brought to the inquiry:

Is the note valid of which they form the consideration?

It has been long settled, that a promise made in consideration of an act which is forbidden by law is void. It will not be questioned, that an act forbidden by the Constitution of the United States, which is the supreme law, is against law. Now the Constitution forbids a State to 'emit bills of credit.' The loan of these certificates is the very act which is forbidden. It is not the making of them while they lie in the loan offices; but the issuing of them, the putting them into circulation, which is the act of emission; the act that is forbidden by the Constitution. The consideration of this note is the emission of bills of credit by the State. The very act which constitutes the consideration, is the act of emitting bills of credit, in the mode prescribed by the law of Missouri; which act is prohibited by the Constitution of the United States.

Cases which we cannot distinguish from this in principle, have been decided in State courts of great respectability; and in this court. In the case of the Springfield Bank *vs.* Merrick *et al.* 14 Mass. Rep. 322, a note was made payable in certain bills, the loaning or negotiating of which was prohibited by statute, inflicting a penalty for its violation. The note was held to be void. Had this note been made in consideration of these bills, instead of being made payable in them, it would not have been less repugnant to the statute; and would consequently have been equally void.

In *Hunt vs. Knickerbocker*, 5 Johns. Rep. 327, it was decided that an agreement for the sale of tickets in a lottery, not authorized by the legislature of the State, although instituted under the authority of the government of another State is contrary to the spirit and policy of the law, and void. The consideration on which the agreement was founded being illegal, the agreement was void. The books, both of Massachusetts and New York, abound with cases to the same effect. They turn upon the question

whether the particular case is within the principle, not on the principle itself. It has never been doubted, that a note given on a consideration which is prohibited by law, is void. Had the issuing or circulation of certificates of this or of any other description been prohibited by a statute of Missouri, could a suit have been sustained in the courts of that State, on a note given in consideration of the prohibited certificates? If it could not, are the prohibitions of the Constitution to be held less sacred than those of a State law?

It had been determined, independently of the acts of Congress on that subject, that sailing under the license of an enemy is illegal. *Patton vs. Nicholson*, 3 Wheat. 204, was a suit brought in one of the courts of this district on a note given by Nicholson to Patton, both citizens of the United States, for a British license. The United States were then at war with Great Britain; but the license was procured without any intercourse with the enemy. The judgment of the Circuit court was in favor of the defendant; and the plaintiff sued out a writ of error. The counsel for the defendant in error was stopped, the court declaring that the use of a license from the enemy being unlawful, one citizen had no right to purchase from or sell to another such a license, to be used on board an American vessel. The consideration for which the note was given being unlawful, it followed of course that the note was void.

A majority of the court feels constrained to say, that the consideration on which the note in this case was given, is against the highest law of the land, and that the note itself is utterly void. In rendering judgment for the plaintiff, the court for the State of Missouri decided in favor of the validity of a law which is repugnant to the Constitution of the United States.

In the argument, we have been reminded by one side of the dignity of a sovereign State; of the humiliation of her submitting herself to this tribunal: of the dangers which may result from inflicting a wound on that dignity: by the other, of the still superior dignity of the people of the United States; who have spoken their will, in terms which we cannot misunderstand.

To these admonitions, we can only answer; that if the exercise of that jurisdiction which has been imposed upon us by the Constitution and laws of the United States, shall be calculated to bring on those dangers which have been

indicated; or if it shall be indispensable to the preservation of the Union, and consequently of the independence and liberty of these States: these are considerations which address themselves to those departments which may with perfect propriety be influenced by them. This department can listen only to the mandates of law; and can tread only that path which is marked out by duty.

The judgment of the Supreme Court of the State of Missouri for the first judicial district is reversed; and the cause remanded, with directions to enter judgment for the defendants.

Mr Justice Johnson.

This is a case of a new impression, and intrinsic difficulty; and brings up questions of the most vital importance to the interests of this Union.

The declaration in the ordinary form; and the part of the record of the State court, which raises the questions before us, is expressed in these words: 'at a court, &c, came the parties, &c, and neither party requiring a jury, the cause is submitted to the court; therefore, all and singular, the matters and things, and evidences, being seen and heard by the court, it is found by them that the said defendants did assume upon themselves in the manner and form as the plaintiffs by their counsel allege; and the court also find that the consideration for which the writing declared upon, and the assumpsit was made, was for the loan of loan office certificates, loaned by the State at her loan office at Chariton; which certificates were issued and the loan made in the manner pointed out by an act of the legislature of Missouri; approved, &c. And the court do further find that the plaintiff hath sustained damages by reason of the non-performance of the assumptions and undertakings aforesaid, of them the said defendants, to the sum, &c; and therefore it is considered that the plaintiff recover,' &c.

In order to understand the case, it may be proper to premise, that the territory now occupied by the State of Missouri having been subject to the Spanish government, was at the time of its cession governed by the civil law as modified by the Spanish government; that it so continued, subject to certain modifications introduced by act of Congress, until it became a State; when the people incorporated into their institutions as much of the civil law as they thought proper: and hence, their courts of justice now partake of a mixed character



perhaps combining all the advantages of the civil and common law forms. By one of the provisions of this law the trial by jury is forced upon no one; is yet open to all; and when not demanded, the court acts the double part of jury and judge.

It is obvious, therefore, that the matter certified from the record of the State court before recited, is in nature of a special verdict, and the judgment of the court is upon that verdict: and in this light it shall be examined.

The purport of the finding is that the vote declared upon was given 'for a loan of loan office certificates, loaned by the State under certain State acts, the caption of which is given.'

Some doubts were thrown out in the argument, whether we could take notice of the State laws thus found, without being set out at length: but in this there can be no question; whatever laws that court would take notice of, we must of necessity receive and consider, as if fully set out.

By the acts of the State designated by the court in their finding, the officers of the treasury department of the State were authorized to create certificates of small denominations, from ten dollars down to fifty cents, bearing interest at two per centum per annum, and to loan these certificates to individuals; taking in lieu thereof promissory notes, payable not exceeding one year from the date, with not more than six per cent interest, and redeemable by instalments not exceeding ten per cent every six months, giving mortgages of landed property for security.

These certificates were in this form: 'This certificate shall be receivable at the treasury, or any of the loan offices of the State of Missouri, in the discharge of taxes or debts due the State, for the sum of \$——, with interest for the same, at the rate of two per centum per annum from this date, the —— day of —— 182 ;' which form is set out in, and prescribed by the act designated in the finding of the court.

This writ of error is sued out under the twentyfifth section of the judiciary act; upon the supposition that the State act is in violation of that provision in the Constitution which prohibits the States from emitting bills of credit; and that the note declared on is void, as having been taken for an illegal consideration, or without consideration.

As a preliminary question, it has been argued, that the case is not within the provisions of the twentyfifth section;

because it does not appear from anything on the record, that this ground of defence was specially set up in the courts of the State. But this we consider no longer an open question; it has repeatedly been decided by this court, that if a special verdict or the instruction of a court involve such facts as that the judgment must necessarily affirm the validity of the State law, or invalidity of a right set up under the laws or Constitution of the United States; the case is sufficiently brought within the provisions of the twentyfifth section.

The judgment of the court in this case affirms the validity of the contract on which the suit is instituted. And this could not have been affirmed, unless on the assumption that the act in which it had its origin was constitutional.

In the argument of council the objections to this contract were presented in the form of objections to the consideration. But this was unnecessary to his argument; since even a valuable consideration will not make good a contract in itself illegal. These notes originate directly under the law of Missouri; they are taken in pursuance of its provisions; have their origin in it; and rest for their validity upon it: and if that law be void, must fall with it. Whether, therefore, the bills for which they were given be void or valid, if the law be void, the notes would be so.

There are some difficulties on the subject of consideration, for which I would reserve myself until they become unavoidable. But it is not one of those difficulties that, as a guide for the State, the power of the States over the laws of contracts will legalize a contract made, under whatever law, or for whatever consideration. That argument makes the act to justify itself; and is a direct recurrence to that exercise of sovereign power which it was the leading principle of the Constitution that each should renounce, so far as it was incompatible with the provisions of the Constitution; the objects of which were the security of individual right, and the perpetuation of the Union.

The instrument is a dead letter unless its effect be to invalidate every act done by the States in violation of the Constitution of the United States. And as the universal *modus operandi* by free States must be through their Legislatures, it follows, that the laws under which any act is done, importing a violation of the Constitution must be a dead letter. The language of the Constitution is, 'no State shall emit bills

of credit ;' and this, if it means anything, must mean that no State shall pass a law which has for its object an emission of bills of credit.

It follows, that when the officers of a State undertake to act upon such a law, they act without authority ; and that the contracts entered into direct or incidental to such their illegal proceedings, are mere nullities.

This leads us to the main question : ' Was this an emission of bills of credit in the sense of the Constitution ?' And here the difficulty which presents itself is to determine whether it was a loan or an emission of paper money ; or, perhaps, whether it was not an emission of paper money under the disguise of a loan. There cannot be a doubt that this latter view of the subject must always be examined ; for that which it is not permitted to do directly, cannot be legalized by any change of names or forms. Acts done ' in fraudem legis,' are acts in violation of law.

The great difficulty, as it is here, must ever be to determine, in each case, whether it be a loan, or an emission of bills of credit. That the States have an unlimited power to effect the one, and are restricted of power to do the other, are propositions equally unquestionable ; but where to draw the discriminating line is the great difficulty. I fear it is an insuperable difficulty.

The terms, ' bills of credit,' are in themselves vague and general, and, at the present day, almost dismissed from our language. It is then only by resorting to the nomenclature of the day of the Constitution that we can hope to get at the idea which the framers of the Constitution attached to it. The quotation from Hutchinson's History of Massachusetts, therefore, was a proper one for this purpose, inasmuch as the sense in which a word is used, by a distinguished historian, and a man in public life in our own country, not long before the revolution, furnishes a satisfactory criterion for a definition. It is there used as synonymous with paper money ; and we will find it distinctly used in the same sense by the first Congress which met under the present Constitution.

The whole history and legislation of the time prove that, by bills of credit, the framers of the Constitution meant paper money, with reference to that which had been used in the States from the commencement of the century down to the time when it ceased to pass, before reduced to its innate worthlessness.

It was contended, in argument, for the

defendant in error, that it was essential to the description of bills of credit in the sense of the Constitution, that they should be made a lawful tender. But his own quotations negative that idea, and the Constitution does the same, in the general prohibition in the States to make anything but gold or silver a legal tender. If, however, it were otherwise, it would hardly avail him here, since these certificates were, as to their officers' salaries, declared a legal tender.

The great end and object of this restriction on the power of the States, will furnish the best definition of the terms under consideration. The whole was intended to exclude everything from use, as a circulating medium, except gold and silver ; and to give to the United States the exclusive control over the coining and valuing of the metallic medium. That the real dollar may represent property, and not the shadow of it.

Now, if a State were to pass a law declaring that this representative of money shall be issued by its officers, this would be a palpable and tangible case ; and we could not hesitate to declare such a law, and every contract entered into on the issue of such paper, purporting a promise to return the sum borrowed, to be a mere nullity. But suppose a State enacts a law authorizing her officers to borrow a hundred thousand dollars, and to give in lieu thereof certificates of one hundred dollars each, expressing an acknowledgment of the debt ; it is presumed there could be no objection to this. Then suppose that the next year she authorizes these certificates to be broken up into ten, five, and even one dollar bills. Where can be the objection to this ? And if, at the institution of the loan, the individual had given for the script his note at twelve months, instead of paying the cash ; it would be but doing in another form what was here done in Missouri ; and what is often done, in principle, where the loan is not required to be paid immediately in cash.

Pursuing the scrutiny farther, with a view to bringing it as close home to the present case as possible : a State having exhausted its treasury proposes to anticipate its taxes for one, two or three years ; its citizens, or others, being willing to aid it, give their notes payable at sixty days, and receive the script of the State at a premium, for the advance of their credit, which enables the State, by discounting these notes, to realize the cash. There could be no objection to this negotiation ; and their script being by contract to be receivable in taxes, nothing would be more natural than to break

it up into small parcels in order to adapt it to the payment of taxes. And if in this state it should be thrown into circulation, by passing into the hands of those who would want it to meet their taxes, I see nothing in this that could amount to a violation of the Constitution. Thus far the transaction partakes of the distinctive features of a loan; and yet it cannot be denied that its adaptation to the payment of taxes does give it one characteristic of a circulating medium. And another point of similitude, if not of identity, is the provision for forcing the receipt of it upon those to whom the State had incurred the obligation to pay money.

The result is, that these certificates are of a truly amphibious character; but what then should be the course of this court? My conclusion is, that, as it is a doubtful case, for that reason we are bound to pronounce it innocent. It does indeed approach as near to a violation of the Constitution as it can well go, without violating its prohibition; but it is in the exercise of an unquestionable right, although in rather a questionable form; and I am bound to believe that it was done in good faith until the contrary shall more clearly appear.

Believing it then a candid exercise of the power of borrowing, I feel myself at liberty to go further, and briefly to suggest two points, on which these bills vary from the distinctive features of the paper money of the revolution.

1. On the face of them they bear an interest, and for that reason vary in value every moment of their existence: this disqualifies them for the uses and purposes of a circulating medium: which the universal consent of mankind declares should be of an uniform and unchanging value, otherwise it must be the *subject of exchange*, and not the *medium*.

2. All the paper medium of the revolution, consisted of promises to pay. This is a promise to *receive*, and to receive in payment of debts and taxes due the State. This is not an immaterial distinction; for the objection to a mere paper medium is, that its value depends upon mere national faith. But this certainly has a better dependence; the public debtor who purchases it may tender it in payment; and upon a suit brought to recover against him, the Constitution contains another provision to which he may have recourse. As far as the feeble powers of this court extend, he would be secured (if he could ever need security) from a violation of

his contracts. This approximates them to bills on a fund; and a fund not to be withdrawn by a law of the State.

Upon the whole, I am of opinion that the judgment of the State Court should be affirmed.

Mr Justice Thompson

This case comes up by writ of error, from the State Court of Missouri, on a judgment recovered against the plaintiffs in error, in the highest court in that State; and the first question that has been made here, is, whether this court has jurisdiction of the case, under the twentyfifth section of the judiciary act of 1789.

If the construction of this twentyfifth section was now for the first time brought before this court, I should entertain very serious doubts whether this case came within it. The fair, and as I think, the clear import of that section is, that some one of the cases therein stated, did, *in point of fact*, arise, and was drawn into question; and did receive the judgment and decision of the State Court. It is not enough that such question *might* have been made. A party may waive the right secured to him under this section. This would not in any manner affect the jurisdiction of the State Court: and might of course be waived. In the present case, there is no doubt but the facts which appeared before the State Court presented a case which might properly fall within this section. The defendants might have insisted that the State law was unconstitutional, and that the certificates issued in pursuance of its provisions were void. And if the court had sustained the act, it would have been one of the cases within the twentyfifth section. But the court was not bound to call upon the party to raise the objection, for the purpose of putting the cause in a situation to be brought here by writ of error. It cannot be doubted but that there might have been an express waiver of this right; and I should think an implied waiver would equally preclude a review of the case by this court; and that such waiver ought to be implied in all cases where it does not appear that in point of fact the question was made, and received the judgment of the State Court. But to entertain jurisdiction in this case, is perhaps not going farther than this court has already gone, and I do not mean to call in question these decisions; but have barely noticed the question, for the purpose of stating the rule by which I think all cases under this section should be tested.

The more important question upon the merits of the case is, whether the Constitution of the United States interposes any impediment to the plaintiff's right of recovery in this case. And this question has been presented at the bar under the following points:

1. Whether the certificates issued under the provisions of the law of the State of Missouri, are bills of credit, within the sense and meaning of the Constitution.

2. If so, whether, as they formed the consideration of the note on which the judgment below was recovered, the note was rendered thereby void and irrecoverable.

The first is a very important question, and not free from difficulty; and one upon which I have entertained serious doubts: but looking at it in all its bearings, and considering the consequences to which the rule established by a majority of the court will lead, when carried out to its full extent, I am compelled to dissent from the opinion pronounced in this case.

The limitation upon the powers of the State of Missouri, which is supposed to have been transcended, is contained in the tenth section of the first article of the Constitution of the United States. 'No State shall emit bills of credit.' Are the certificates issued under the authority of the Missouri law, bills of credit within this prohibition?

The form of the certificate is prescribed in the third section of the act (act 27th of June, 1821,) as follows:

'This certificate shall be receivable at the treasury or any of the loan offices of the State of Missouri, in the discharge of taxes or debts due to the State, for the sum of \$—, with interest for the same at two per centum per annum, from this date,' &c. And the thirteenth section declares, 'that the certificates of the said loan office shall be receivable at the treasury of the State, and by all tax gatherers and other public officers, in payment of taxes or other moneys now due, or to become due to the State, or any county or town therein; and the said certificates shall also be received by all officers, civil and military, in the State, in the discharge of salaries and fees of office.' It is proper here to notice, that if the latter branch of this section should be considered as conflicting with that prohibition in the Constitution, which declares that no State shall make anything but gold and silver coin a tender in payment of debts; no such question is

involved in the case now before the court, and the law may be good in part, although bad in part.

The precise meaning and interpretation of the terms, *bills of credit*, has nowhere been settled; or if it has, it has not fallen within my knowledge. As used in the Constitution, it certainly cannot be applied to all obligations, or vouchers, given by, or under the authority of a State for the payment of money. The right of a State to borrow money cannot be questioned; and this necessarily implies the right of giving some voucher for the repayment: and it would seem to me difficult to maintain the proposition, that such voucher cannot legally and constitutionally assume a negotiable character; and as such, to a certain extent, pass as, or become a substitute for, money. The act does not profess to make these certificates a circulating medium, or substitute for money. They are (except as relates to public officers) made receivable only for taxes and debts due to the State, and for salt sold by the lessees of salt springs belonging to the State. These are special and limited objects; and these certificates cannot answer the purpose of a circulating medium to any considerable extent.

A simple promise to pay a sum of money, a bond or other security given for the payment of the same, cannot be considered a bill of credit, within the sense of the Constitution. Such a construction would take from the State all power to borrow money, or execute any obligation for the repayment. The natural and literal meaning of the terms, import a bill drawn *on credit merely*, and not bottomed upon any real or substantial fund for its redemption. There is a material and well known distinction between a bill drawn upon a fund, and one drawn upon credit only. A bill of credit may therefore be considered a bill drawn and resting merely upon the *credit* of the drawer; as contradistinguished from a *fund* constituted or pledged for the payment of the bill. Thus, the Constitution vests in Congress the power to borrow money on the credit of the United States. A bill drawn under such authority would be a bill of credit. And this idea is more fully expressed in the old Confederation (Art. 9). 'Congress shall have power to borrow money or *emit bills* on the credit of the United States.' Can the certificates issued under the Missouri law, according to the fair and reasonable construction of the act, be said to rest on the credit of the

State? Although the securities taken for the certificates loaned are not in terms pledged for their redemption, yet these securities constitute a fund amply sufficient for that purpose, and may well be considered a fund provided for that purpose. The certificates are a mere loan upon security in double the amount loaned. And in addition thereto (section 29), provision is made expressly for constituting a fund for the redemption of these certificates. These are guards and checks against their depreciation, by insuring their ultimate redemption.

The emissions of paper money by the States, previous to the adoption of the constitution, were, properly speaking, bills of credit; not being bottomed upon any fund constituted for their redemption, but resting solely for that purpose upon the credit of the State issuing the same. There was no check therefore upon excessive issues; and a great depreciation and loss to holders of such bills followed as matter of course. But when a fund is pledged, or ample provision made for the redemption of a bill or voucher, whatever it may be called, there is but little danger of a depreciation or loss.

But should these certificates be considered bills of credit, under an enlarged sense of such an instrument; it does not necessarily follow that they are bills of credit, within the sense and meaning of the Constitution. As no precise and technical meaning or interpretation of a bill of credit has been shown, we may with propriety look to the state of things at the adoption of the Constitution, to ascertain what was probably the understanding of the convention by this limitation on the power of the States. The State emissions of paper money had been excessive, and productive of great mischief. In some States, and at some times, such emissions were, by law, made a tender in payment of private debts; in others not so. But the great evil that existed was, that creditors were compelled to take such a depreciated currency, and articles of property in payment of their debts. This being the mischief, it is an unfair construction of the Constitution to restrict the intended remedy to the acknowledged and real mischief. The language of the Constitution may perhaps be too broad to admit of this restricted application. But to consider the certificates in question bills of credit within the Constitution, is, in my judgment a construction of that instrument which will lead to serious embarrassment with State legislation; as

existing in almost every member of the Union.

If these certificates are bills of credit, inhibited by the Constitution, it appears to me difficult to escape the conclusion, that all bank notes, issued either by the States or under their authority and permission, are bills of credit; falling within the prohibition. They are certainly, in point of form, as much bills of credit; and if being used as a circulating medium, or substitute for money, makes these certificates bills of credit, bank notes are more emphatically such. And not only the notes of banks directly under the management and control of a State, of which description of banks there are several in the United States, but all notes of banks established under the authority of a State, must fall within the prohibition. For the States cannot certainly do that indirectly which they cannot do directly. And if they cannot issue bank notes because they are bills of credit, they cannot authorize others to do it. If this circuitous mode of doing the business would take the case out of the prohibition, it would equally apply to the Missouri certificates; for they were issued by persons acting under the authority of the State, and indeed could be issued in no other way.

This prohibition in the Constitution could not have been intended to take from the States all power whatever over a local circulating medium, and to suppress all paper currency of every description. The power is given to Congress to coin money; and the States are prohibited from coining money. But to construe this as embracing a paper circulating medium of every description, and thereby render illegal the issuing of all bank notes by or under the authority of the States, will not, I presume, be contended for by any one, and I am unable to discover any sound and substantial reason why the prohibition does not reach all such bank notes, if it extends to the certificates in question.

The conclusion to which I have come on this point, renders it unnecessary for me to examine the second question made at the argument. I am of opinion, that the judgment of the State court ought to be affirmed.

Mr Justice M'Lean.

Several cases, depending upon the same principles, were brought into this court, from the Supreme Court of the State of Missouri, by writs of error.

In the case of Hiram Craig and others, the declaration sets forth the cause of ac-

tion in the following terms, viz. 'For that whereas, heretofore, on the 1st day of August, in the year of our Lord 1822, at the county, &c, the said Craig, John Moore and Ephraim Moore made their certain promissory note in writing, bearing date, &c, and then and there, for value received, jointly and severally, promised to pay to the State of Missouri, on the 1st day of November, 1822, at the loan office in Chariton, the sum of one hundred and ninety-nine dollars and ninety-nine cents, and the two per centum per annum, the interest accruing on the certificates borrowed from the 1st day of October, 1821, nevertheless,' &c.

The general issue of non assumpsit having been pleaded in each case, the Circuit court of Chariton, in which the suits were commenced, rendered judgments in favor of the plaintiff. The following entry, in the case of Craig and others, was made on the record. 'And afterwards at a court begun and held at Chariton, on Monday the 1st of November, 1821, and on the second day of said court, the parties by their attorneys appeared, and neither party requiring a jury, the cause is submitted to the court, therefore, all and singular the matters, and things and evidences being seen and heard by the court, it is found by them, that the said defendants did assume upon themselves in manner and form as the plaintiff's counsel allege: and the court also find that the consideration for which the writing declared upon and the assumpsit was made, was for the loan of loan office certificates, loaned by the State, at her loan office at Chariton: which certificates were issued, and the loan made in the manner pointed out by an act of the legislature of the State of Missouri, approved the 27th day of June, 1821; entitled, "an act for the establishment of loan office," and the acts amendatory and supplementary thereto." And the court do further find, that the plaintiff hath sustained damages, by reason of the non-performance of the said defendants, to the sum of two hundred and thirty-seven dollars and seventy-nine cents. Therefore it is considered,' &c.

An appeal was taken to the Supreme Court of Missouri, in which this judgment and the others were affirmed.

The first question which this case presents for consideration, arises under the twenty-sixth section of the judiciary act of 1789; which provides, 'that a final judgment or decree in any suit, in the highest court of law or equity of a State

in which a decision in the suit could be had, where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of such their validity,' may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error.

Had not the point been settled by several adjudications in similar cases, I should entertain strong doubts whether it sufficiently appeared on the record, that the validity of the statute of Missouri was drawn in question, on account of its repugnance to the Constitution. In the finding of the Chariton Circuit Court, the act is referred to, and the consideration of the note is stated; but it no where appears in the record, that the validity of the statute was contested. And as this is the only ground on which this court can take jurisdiction of the case, it would seem to me that it should not be left to inference, but be clearly stated in the proceeding.

In the Supreme Court of Missouri, the judgment of the Circuit Court was affirmed; but it does not appear what objections to the affirmance were urged before the court. This question, however, seems not to be open, and I yield to the force of prior adjudications. Two points must necessarily be considered in the investigation of the merits of this case.

1. Are the certificates authorized to be issued by the law of Missouri, bills of credit, within the meaning of the Constitution?

2. If they are bills of credit, is the note on which this suit was brought void.

It is contended by the counsel for the plaintiff's in error, that any paper issued by a State, that contains a promise to pay a certain sum, and is intended to be used as a medium of circulation, is a bill of credit, and comes within the mischief against which the Constitution intended to guard. In illustration of this position, a reference is made to the depreciated currency of the revolution.

During that most eventful period of our history, bills of credit formed the currency of the country; and everything of greater value was excluded from circulation. These bills were so multiplied by the different States and by Congress, that their value was greatly impaired. This loss was attempted to be covered, and the growing wants of

the Government supplied, by increased emissions. These caused a still more rapid depreciation, until the credit of the bills sunk so low as not to be current at any price. Various statutes were passed to force their circulation, and sustain their value; but they proved ineffectual. For a time, creditors were compelled to receive these bills under the penalty of forfeiting their debt; losing the interest; being denounced as enemies to the country, or some other penalty. These laws destroyed all just relations between creditor and debtor; and so debased a currency produced the most serious evils in almost all the relations of society. Nothing but the ardor of the most elevated patriotism could overcome the difficulties and embarrassments growing out of this state of things.

It will be found somewhat difficult to give a satisfactory definition of a bill of credit. In what sense it was used in the Constitution, is the object of inquiry.

Different nations of Europe have emitted, on various emergencies, three descriptions of paper money: 1. Notes, stamped with a certain value, which contained no promise of payment, but were to pass as money. 2. Notes, receivable in payment of public dues, with or without interest. 3. Notes, which the Government promised to pay at a future period specified, with or without interest, and which were made receivable in payment of taxes and all debts to the public.

Bills of the last class were issued during the revolution; and in some of the colonies they had been emitted long before that time. In 1690 bills of credit were for the first time issued, as a substitute for money, in the colony of Massachusetts Bay, as stated in Hutchinson's history. In 1716 a large emission was made and lent to the inhabitants, to be paid at a certain period; and in the meantime to pass as money. For forty years, the historian says, the currency was in much the same state as if an hundred thousand pounds sterling had been stamped on pieces of leather or paper of various denominations, and declared to be the money of the Government, without any other sanction than this, that when there should be taxes to pay, the treasury would receive this sort of money; and that every creditor should be obliged to receive it from his debtor.

The bills issued during the revolution were denominated bills of credit. In 1780 the United States guaranteed the payment of bills emitted by the States.

They all contained a promise of payment at a future day; and where they were not made a legal tender, creditors were often compelled to receive them in payment of debts, or subject themselves to great inconvenience and peril.

The character of these bills, and the evils which resulted from their circulation, give the true definition of a bill of credit, within the meaning of the Constitution; and of the mischiefs against which the Constitution provides.

The following is the form of the bills emitted in 1780, under the guarantee of Congress. 'The possessor of this bill shall be paid ——— Spanish milled dollars by the 31st day of December, 1786, with interest, in like money, at the rate of five per cent per annum, by the State of ——— according to an act, &c.

Bills of credit were denominated current money; and were often referred to in the proceedings of Congress by that title, in contradistinction to loan office certificates. It is reasonable to suppose that in using the term 'bills of credit' in the Constitution, such bills were meant as were known at the time by that denomination. If the term be susceptible of a broader signification, it would not be safe so to construe it; as it would extend the provision beyond the evil intended to be prevented, and instead of operating as a salutary restraint, might be productive of serious mischief. The words of the Constitution must always be construed according to their plain import, looking at their connexion and the object in view. Under this rule of construction, I have come to the conclusion, that to constitute a bill of credit, within the meaning of the Constitution, it must be issued by a State, and its circulation as money enforced by statutory provisions. It must contain a promise of payment by the State generally, when no fund has been appropriated to enable the holder to convert it into money. It must be circulated on the credit of the State; not that it will be paid on presentation, but that the State, at some future period, on a time fixed, or resting in its own discretion, will provide for the payment.

If a more extended definition than this were given to the term, it would produce the most serious embarrassments to the fiscal operations of a State. Every State in the transactions of its moneyed concerns, has one department to investigate and pass accounts, and another to pay them. Where a warrant is issued for the amount due to a claimant, which

is to be paid on presentation to the treasurer, can it be denominated a bill of credit? And may not this warrant be negotiated, and pass in ordinary transactions, as money? This is very common in some of the States; and yet it has not been supposed to be an infraction of the Constitution.

Audited bills are often found in circulation; in which the State promises to pay a certain sum, at some future day specified. If these are infibited by the Constitution, can a State make loans of money? Can there be any difference between borrowing money from a creditor; and any other person who does not stand in that relation? The amount cannot alter the principle. If a State may borrow one hundred thousand dollars, she may borrow a less sum; and if an obligation to pay with or without interest may be given in the one case, it may in the other.

Where money is borrowed by a State, it issues script which contains a promise to pay, according to the terms of the contract. If the lender, for his own convenience, prefers this script in small denominations, may not the State accommodate him? This may be made a condition of the loan. If a State shall think proper to borrow money of its own citizens, in sums of five, ten, or twenty dollars, may it not do so? If it be unable to meet the claims of its creditors, shall it be prohibited from acknowledging the claims, and promising payment with interest at a future day? The principles of justice and sound policy alike require this; and unless the right of the State to do so be clearly inhibited, it must be admitted.

In the adjustment of claims against a county, orders are issued on the county treasury; and it is common for these to circulate, by delivery or assignment, as bank notes or bills of exchange.

May a State do, indirectly, that which the Constitution prohibits it from doing directly? If it cannot issue a bill or note, which may be put into circulation as a substitute for money, can it, by an act of incorporation, authorize a company to issue bank bills on the capital of the State? It will thus be seen, that if an extended construction be given to the term 'bills of credit,' as used in the Constitution; it may be made to embrace almost every description of paper issued by a State.

The words of the Constitution are, that 'no State shall enter into any treaty, alliance, or confederation; grant letters of

marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligations of contracts; or grant any title of nobility.'

Under the statute of Missouri, certificates in the following form were issued: 'This certificate shall be receivable at the treasury, or any of the loan offices of the State of Missouri, in the discharge of taxes or debts due to the State, for the sum of ——— dollars, with interest for the same, at the rate of two per centum per annum, from this date, the ——— day of ——— 182 —.

It appears by the third section of the act, that two hundred thousand dollars were authorized to be issued, of the above certificates, each not exceeding ten dollars, nor less than fifty cents. By the thirteenth section, these certificates were made receivable at the State treasury by tax gatherers and other public officers, in payment of taxes or moneys due to the State, or any county or town therein; and they were made receivable by all officers in payment of salaries, and fees of office.

Under the fifteenth section, commissioners were authorized to loan these certificates to the citizens in the State; apportioning the amount among the several counties according to the population, on mortgages or personal security. The act provides the means by which these certificates shall be paid, and the fact is admitted that at this time they are all redeemed by the State.

The design, in issuing these certificates, seems to have been to furnish the citizens of Missouri with the means of paying to the State the taxes which it imposed, and other debts due to it. It was in effect giving a credit to the debtors of the State, provided they would give good, real or personal security. Had the arrangement been confined to those who owed the State; and had certificates been required of them, promising to pay the amount, with interest; no objection could have been urged to the legality of the transaction. And even if the State, in the discharge of its debts, had paid such certificates, the act would not have been illegal.

The State of Missouri adopted no measures to force the circulation of the above certificates. No creditor was under any obligation to receive them. By refusing them, his debt was not postponed, nor the interest upon it suspended.



ed. The object was a benign one, to relieve the citizens from an extraordinary pressure, produced by the failure of local banks, and the utter worthlessness of the currency. Without aid from the government, the citizens of Missouri could not have paid the taxes or debts which they owed to the State in a medium of any value. At such a crisis the law was enacted; and, as contemplated in its passage, so soon as the necessary relief was afforded, the paper was withdrawn from circulation. The measure was only felt in the benefits it conferred. No loss was sustained by the public or by individuals; unless indeed the State shall lose by the unconscionable defence set up to these actions.

It is admitted, that the expediency or inexpediency of a measure cannot be considered, in giving a construction to the Constitution. But when, in giving a construction to that instrument, it becomes necessary, as it does in some instances, to look into the mischiefs provided against; and the application becomes, to some extent, a matter of inference; the question of expediency must be considered.

If the act of Missouri conferred benefits upon the people of the State, and was so guarded in its provisions as to protect them from all possible evil, no court would feel inclined to declare it to be unconstitutional and void, unless it was directly opposed to the letter and spirit of the Constitution. As the spirit of that provision was to protect the citizens of the States against the evils of a debased currency; and as the act under consideration, so far as it operated upon the people of Missouri, had no tendency to produce this evil, but to relieve against it, the spirit of the Constitution was not violated. Was the act of Missouri against its letter? Were the certificates issued by the State 'bills of credit?' They were not, if the definition of a bill of credit, as now given, be correct. Their circulation was not forced by statutory provision, in any form; there was no promise on their face to pay at any future day; in their form and substance, they bore little or no resemblance to the continental bills. They were calculated, from the manner in which they were created and circulated, to introduce none of the evils so deeply felt from the currency of the revolution.

Suppose the State of Missouri had stamped certificates with a certain value, and provided that they should be received as money, according to the denominations

given them, could they have been called bills of credit? Certainly not; for they contained no promise of payment, to which the holder could give credit. Such an act, by a State, would most clearly be void; but not under the provision of the Constitution, which prohibits a State from issuing 'bills of credit.'

Can any certificate or bill be considered a bill of credit, within the meaning of the Constitution, to which the receiver must not give credit to the promise of the State? Must it not, literally, be a 'bill of credit?' Not a bill which will be received in payment of public dues, when presented, but which the State promises to redeem at a future day.

A substitution of the credit of the State for money, may be considered as an essential ingredient to constitute a 'bill of credit.' When this is wanting, whatever other designation may be given to the thing—whether it be called paper money, or a State bill, it cannot be called a 'bill of credit.' The credit refers to a future time of payment; and not to the confidence we feel in the punctuality of the State, in paying the bill when presented. A bill, therefore, which is payable on presentation, is not a bill of credit, within the meaning of the Constitution; nor is a bill which contains no promise to pay at a future day; but a simple declaration, that it will be received in payment of public dues.

If this course of argument appears somewhat technical, it must be recollected that the question under consideration involves the validity of an act of a State; which is sovereign in all matters, except where restrictions are imposed, and an express delegation of power is made to the Federal Government. The solemn act of a State, which has been sanctioned by all the branches of its power, cannot, under any circumstances, be lightly regarded. The act of Missouri having received the sanction of the legislative, executive, and judicial departments of the government, cannot be set aside and disregarded under a doubtful construction of the Constitution. Doubts should lead to an acquiescence in the act. The power which declares it null and void, should be exercised only where the right to do so is perfectly clear.

That such a power is vested in this tribunal by the Constitution, which received the sanction of all the States, can only be doubted by those, who are incapable of comprehending the plainest principle in constitutional law. It is a

question arising under the Constitution, and all such questions of power, whether in the general or State Governments, belong to this tribunal. The policy of this investiture of power may be questioned; but the fact of its existence cannot be. Believing that in every point of view in which the paper issued by the State of Missouri may be considered, it is at least doubtful whether it comes within the meaning of a 'bill of credit,' prohibited by the Constitution; I am inclined to affirm the judgment of the State court. But if this ground of the defence be admitted, does it follow that the judgment must be reversed. This presents for consideration the second proposition stated.

If the certificates under consideration were 'bills of credit,' within the meaning of the Constitution, is the note on which this suit is brought void?

The position assumed in the argument, that no contract can be valid that is founded upon a consideration which is contrary to good morals, against the policy of the law, or a positive statute, cannot be sustained to the extent as urged. The ground is admitted to be correct, generally; but there are exceptions, which it becomes important to notice.

In the State of Pennsylvania usury is prohibited under the sanction of certain penalties, but usury does not render the contract void; a recovery may be had upon it, with the legal rate of interest. It is competent for a State to prohibit gambling by a severe penalty; and yet to provide that an obligation given for money lost at gambling shall be valid. It may declare, by law, that all instruments for the payment of money, signed by the party, shall be held valid, without reference to the consideration. The legislative power of a State over contracts is without restriction by the constitution of the United States; except that their obligation cannot be impaired. With this single exception, a State legislature may regulate contracts, both as to their form and substance, as may be thought advisable.

Suppose the Constitution of Missouri had prohibited the emission of bills of credit, without going further; might not the legislature provide by law, that obligations given on a loan of such bills should be valid. There would be no more inconsistency in this than in the law of Pennsylvania, which forbids usury, and yet holds the instrument valid. If the Constitution of the United States had provided that all obligations given

for bills of credit, or where they formed a part of the consideration, should be void, there could have existed no doubt on the subject. But there is no such provision; and if the obligation be held void, its invalidity is a matter of influence, arising from the supposed illegality of the consideration. The Constitution prohibits a State from 'emitting bills of credit.' The law of Missouri declares, substantially, that obligations given, where these bills form the consideration, shall be held valid. Is there an incompatibility in these provisions? Does the latter destroy the former, or render it ineffectual?

Suppose a State should coin money, would such money not constitute a valuable consideration for a promissory note? Would not the intrinsic value of the silver, as bullion, be a sufficient consideration? Would such a construction conflict with the Constitution?

A State is prohibited from coining money; consequently the money which it may coin cannot be circulated as such. A creditor will be under no obligation to receive it in discharge of his debt. If any statutory provision of the State should be formed, with a view of forcing the circulation of such coin, by suspending the interest or postponing the debt of a creditor where it was refused, such statute would be void, because it would act on the thing prohibited, and come directly in conflict with the Constitution. Such would not be the case in reference to the obligation given for this coin.

In the first place, the act would be voluntary on the part of the purchaser; and in the second, the consideration would be a valuable one. The statute sanctions not the coin, but the obligation which was given for it. The act of creating the consideration may be denounced and punished, as in the case of usury in Pennsylvania; and yet the obligation held good. Would this construction render ineffectual the prohibition of the Constitution? This may be answered by considering how ineffectual this provision must be, if its efficacy depend on making void the contract.

The loaning of this coin is only one of many modes which a State might adopt to circulate it. In the payment of its creditors, and in works of improvement, the State could always find the most ample means of circulation.

Effect is given to this provision of the Constitution, by limiting it to the thing prohibited. If a State emit bills

of credit, or coin money, neither can pass as money, whatever may be the regulation on the subject. No penalties have been provided to prevent such a circulation; no sanctions to enforce it would be valid.

But it is contended, that the offence consists in circulating the bills; that being the meaning of the word 'emit.' Congress may issue bills of credit, and perhaps have done so in the emissions of treasury notes: is a State prohibited from circulating them? If not, it must be admitted, the violation of the Constitution consists, not in the circulation of such bills, but in their creation.

The prohibition of the Constitution was intended to act on the sovereignty of a State, in its legislative capacity. But there is no power in the Federal Government which can act upon this sovereignty. It is only when its inhibited acts affect the rights of individuals, that the judicial power of the Union can be interposed.

If a State legislature pass an *ex post facto* law, or a law impairing the obligation of contracts, it remains a harmless enactment on the statute book, until it is brought to bear, injuriously, on individual rights. So, if a State coin money or emit bills of credit, the question of right must be raised before this tribunal, in the same manner.

The law of Missouri expressly sanctions the obligations given on a loan of these certificates. Had not this been done, and if the certificates were bills of credit within the meaning of the Constitution, the obligations might have been considered void, as against the policy of the supreme law of the land.

There is no pretence that there has been a failure of consideration for which the notes in controversy were given. The certificates have long since been received by the State as money, and the promissors have realized their full value. If they can avoid the payment of their notes, as they wish to do by the defence set up, it must be alone on the ground of the illegality of the consideration. Suppose the notes had been given, under the same circumstances, payable to an individual, from whom the consideration had been received; could the defence be sustained?

In such a case, there could be no allegation of a failure of consideration. The Constitution prohibits the State from issuing the certificates; but the law of Missouri declares, that obligations given for these certificates shall be valid.

These notes, being given for a valuable consideration, may be enforced, unless the Constitution makes them void. This it does not do by express provision, and can they be avoided by inference? An inference, which does not necessarily follow, as has been shown, from the prohibition; because such a consequence is prevented by the act of Missouri. This act may be void as to the emission of the bills; but it does not follow that the part which relates to the notes must also be void. It would seem, therefore, that effect may be given to the provision of the Constitution, so as to prevent the mischief, by operating upon the circulation of the bills, without extending the consequence so as to make void the contract expressly sanctioned by the law of Missouri. And if such a construction may be given, will not the court incline to give it, in order that both laws may be carried into full effect, where their provisions do not come directly in conflict?

The passing of counterfeit money is prohibited under severe penalties, by the laws of every State; and is it not in the power of a State to provide by law, that every obligation given for counterfeit paper, known to be such by both parties, shall be valid? This will scarcely be denied. And if a State may do this, under its sovereign power to regulate contracts; may it not give validity to the notes under consideration? Had not the State of Missouri a right to provide that every citizen who should voluntarily execute an obligation for the payment of money to the State, should be held bound to pay it, although given without consideration? If this do not come within the province of legislation in a sovereign State, I know not where its powers may not be restricted. And if this may be done, can the notes under consideration be held void? If the certificates were illegally created, they were of value, and under the law of Missouri constituted a valuable consideration for the notes given. In any view, the notes which were executed being sanctioned by law, and consequently valid even without consideration, cannot be less so, when given for the certificates. I am therefore, inclined to say, not without great hesitation, as I differ with the majority of the court, that the judgment should be affirmed on this ground.

In the first place, then, from the consideration which I have been able to give this case, I am not convinced that the certificates issued by the State of

Missouri were bills of credit, within the meaning of the Constitution. And unless my conviction was clear on this point, my duty and inclination unite to sustain the judgment of the Supreme Court of Missouri. And secondly, as has been shown, it appears to me, that the contract on which this action is founded is not void; even admitting that the certificates were bills of credit?

All questions of power, arising under the Constitution of the United States, whether they relate to the Federal or a State Government, must be considered of great importance. The Federal Government being formed for certain purposes, is limited in its powers, and can in no case exercise authority where the power has not been delegated. The States are sovereign; with the exception of certain powers, which have been invested in the General Government, and inhibited to the States. No State can coin money, emit bills of credit, pass ex post facto laws, or laws impairing the obligation of contracts, &c. If any State violate a provision of the Constitution, or be charged with such violation to the injury of private rights, the question is made before this tribunal; to whom all such questions, under the Constitution, of right belong. In such a case, this court is to the State, what its own Supreme Court would be, where the constitutionality of a law was questioned under the Constitution of the State. And within the delegation of power, the decision of this court is as final and conclusive on the State, as would be the decision of its own court in the case stated.

That distinct sovereignties could exist under one government, emanating from the same people, was a phenomenon in the political world, which the wisest statesmen in Europe could not comprehend: and of its practicability many in our own country entertained the most serious doubts. Thus far the friends of liberty have had great cause of triumph in the success of the principles upon which our government rests. But all must admit that the purity and permanency of this system depend on its faithful administration. The States and the Federal Government have their respective orbits, within which each must revolve. If either cross the sphere of the other; the harmony of the system is destroyed, and its strength is impaired. It would be as gross usurpation on the part of the Federal Government, to interfere

with State rights, by an exercise of powers not delegated; as it would be for a State to interpose its authority against a law of the Union.

The judiciary of a State, in all cases brought before them, have a right to decide whether or not an act of the Federal Government be constitutional, the same as they have a right to determine on the constitutionality of an act under the State Constitution: but, in all such cases, this tribunal may supervise the decisions. It is often a difficult matter to define the limitations of the legislative, the executive, and the judicial powers of a State; and this difficulty is greater in defining the limitations of the Federal Government. In both cases, the respective Constitutions must be looked to as the source of power; but in the latter, it is often necessary to determine not only whether the power be vested, but whether it is inhibited to the State. Some powers in the General Government are exclusive; others concurrent with the States. The experience of many years may be necessary to establish, by practical illustrations, the exact boundaries of these powers, if indeed they can ever be clearly and satisfactorily defined. Like the colors of the rainbow, they seem to intermix, so as to render a separation extremely difficult, if not impracticable. By the exercise of a spirit of mutual forbearance, the line may be ascertained with sufficient precision for all practical purposes. In a State, where doubts exist as to the investiture of power, it should not be exercised, but referred to the people; in the General Government, should similar doubts arise, the powers should be referred to the States and the people.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, for the first judicial district, and was argued by counsel; on consideration whereof, this court is of opinion, that there is error in the rendition of the judgment of the said court in this, that in affirming the judgment rendered by the Circuit Court for the county of Chariton, that court has given an opinion in favor of the validity of the act of the legislature of Missouri, passed on the 27th of June, 1821, entitled 'an act for the establishment of loan offices,' which act is, in the opinion of this court, repugnant to the Constitution of the United States; whereupon it is considered by

the court, that the said judgment of the said Supreme Court of the State of Missouri for the first judicial district ought to be reversed and annulled; and the same is hereby reversed and annul-

led; and the cause remanded to that court, with directions to enter judgment in favor of the defendant to the original action.

*John Soulard, Widow and others, Appellants vs. The United States.*

*John T. Smith, Appellant vs. The United States.*

THESE cases came before the Court, on appeals from the District Court of the United States for the district of Missouri.

In the District Court of Missouri, the appellants, under the act of Congress of the 26th of May, 1824, instituted proceedings to try the validity of their claims to certain lands in Missouri; the titles to which, they claimed to derive under the former Spanish Government.

The District Court gave a decree against the claimants.

The cases were argued by Mr Benton, for the appellants, and by Mr Wirt, for the United States.

Mr Chief Justice Marshall stated, The court have held the two cases of Soulard and John T. Smith against the United States under advisement. After bestowing upon them the most deliberate attention, we are unable to form a judgment which would be satisfactory to ourselves, or which ought to satisfy the public.

In the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded country should be protected in the free enjoyment of their property. The United States as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, though it had not been inserted in the contract.

The term 'property' as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect the relation of the inhabitants to their government is not changed. The new government takes the place of that which has passed away.

In the full confidence that this is the sentiment by which the Government of the United States is animated, and which has been infused into its legislation, the Court have sought sedulously for that

information which would enable it to discern the actual rights of the parties; and to distinguish between claims founded on legitimate contracts with those authorized to make them on the part of the crown, or its immediate agents, and such as were entirely dependent on the mere pleasure of those who might be in power; such as might be rejected without giving just cause of imputation against the faith of those in office. The search has been unavailing,

When Louisiana was transferred to the United States, very few titles to lands in the upper part of that province especially, were complete. The practice seems to have prevailed for the deputy governor, sometimes the commandant of posts, to place individuals in possession of small tracts, and to protect that possession without further proceeding. Any intrusion on this possession produced a complaint to the immediate supervising officer of the district or post, who inquired into it, and adjusted the dispute. The people seem to have remained contented with this condition. The colonial government, for some time previous to the cession, appears to have been without funds, and to have been in the habit of remunerating services with land instead of money. Many of these concessions remained incomplete.

If the duty of deciding on these various titles is transferred by the government to the judicial department, the laws and principles on which they depend ought to be supplied. The edicts of the preceding governments in relation to the ceded territory; the powers given to the governors, whether expressed in their commissions, or in special instruction; and the powers conferred on and exercised by the deputy governors, and other inferior officers, who may have been authorized to allow the inception of title; are all material to a correct decision of the cases now before the court, and which may come before it. We cannot doubt the disposition of the government

to furnish this information if it be attainable. We are far from being confident that it is attainable; but have determined to hold the cases which have been argued under advisement until the next term, in the hope that, in the meantime, we may be relieved from the necessity of deciding conjecturally on interests of great importance.

The Chief Justice added. "Since the determination which has been communi-

cated had been agreed upon, the Court has been informed that the edicts of August 24th, 1770, is in the office of the Secretary of State.

Had that edict been sufficient for the decision of the Court, they would have disposed of the cases at this term.

But other information is required, which has been referred to in the opinion. It is therefore considered proper to hold the cases under advisement.

### *The Providence Bank, Plaintiffs in error vs. Alpheus Billings and Thomas G. Pitman.*

THIS cause came before the Court on a writ of error from the Supreme Judicial Court of Rhode Island and grew out of these circumstances.

In 1822, the legislature of Rhode Island passed an act imposing a tax on every bank in the State except the Bank of the United States. The Providence Bank which was chartered in 1791, refused the payment of the tax, alleging that the act which imposed it was repugnant to the Constitution of the United States; as it impaired the obligation of the contract created by the charter of incorporation.

The question presented for the consideration of the Court, was the constitutionality of the above act passed in 1822.

Mr Whipple appeared for the plaintiff in Error, and Mr Hazzard and Mr Jones, for the defendants.

Mr Chief Justice Marshall delivered the opinion of the Court.

This is a writ of Error to a judgment rendered in the highest Court for the State of Rhode Island, in an action of trespass brought by the plaintiff in error against the defendant.

In November, 1791, the legislature of Rhode Island granted a charter of incorporation to certain individuals, who had associated themselves together for the purpose of forming a banking company. They are incorporated by the name of the 'President, Directors and Company of the Providence Bank,' and have the ordinary powers which are supposed to be necessary for the usual objects of such associations.

In 1822 the legislature of Rhode Island passed 'an act imposing a duty on licensed persons and others, and bodies corporate within the State;' in which among other things, it is enacted that

there shall be paid, for the use of the State, by each and every bank within the State, except the Bank of the United States, the sum of fifty cents on each and every thousand dollars of the capital stock actually paid in.' This tax was afterwards augmented to one dollar and twentyfive cents.

The Providence Bank, having determined to resist the payment of this tax, brought an action of trespass against the officers by whom a warrant of distress was issued against and served upon the property of the Bank, in pursuance of the law. The defendants justify the taking set out in the declaration under the act of assembly imposing the tax; to which plea the plaintiffs demur, and assign for cause of demurrer, that the act is repugnant to the Constitution of the United States, inasmuch as it impairs the obligation of the contract created by their charter of incorporation. Judgment was given by the Court of Common Pleas in favor of the defendants; which judgment was on appeal confirmed by the Supreme Judicial Court of the State: that judgment has been brought before this Court by a writ of error.

It has been settled that a contract entered into between a State and an individual, is as fully protected by the tenth section of the first article of the Constitution, as a contract between two individuals: and it is not denied that a charter incorporating a bank is a contract. Is this contract impaired by taxing the banks of the State?

This question is to be answered by the contract itself.

It contains no stipulation promising exemption from taxation. The state, then, has made no express contract which

has been impaired by the act of which the plaintiffs complain. No words have been found in the charter, which, in themselves, would justify the opinion that the power of taxation was in the view of either of the parties; and that an exemption of it was intended, though not expressed. The plaintiffs find great difficulty in shewing that the charter contains a promise, either express or implied, not to tax the bank. The elaborate and ingenious argument which has been urged, amounts, in substance to this. The charter authorizes the bank to employ its capital in banking transactions, for the benefit of the stockholders. It binds the State to permit these transactions for this object. Any law arresting directly the operations of the bank would violate this obligation, and would come within the prohibition of the Constitution. But, as that cannot be done circuitously which may not be done directly, the charter restrains the State from passing any act which may indirectly destroy the profits of the bank. A power to tax the bank may unquestionably be carried to such an excess as to take all its profits, and still more than its profits for the use of the State; and consequently destroy the institution. Now, whatever may be the rule of expediency, the constitutionality of a measure depends, not on the degree of its exercise, but on its principle. A power therefore which may in effect destroy the charter, is inconsistent with it: and is impliedly renounced by granting it. Such a power cannot be exercised without impairing the obligation of the contract. When pushed to its extreme point, or exercised in moderation, it is the same power, and is hostile to the rights granted by the charter. This is substantially the argument for the Bank. The plaintiffs cite and rely on several sentiments expressed on various occasions by this court, in support of these positions.

The claim of the Providence Bank is certainly of the first impression. The power of taxing moneyed corporations has been frequently exercised; and has never before, so far as it is known, been resisted. Its novelty, however, furnishes no conclusive argument against it. That the taxing power is of vital importance: that it is essential to the existence of government; are truths which it cannot be necessary to reaffirm. They are acknowledged and asserted by all. It would seem that the relinquishment of such a power is never to be assumed. *Mr. A.* will not say that a state may not

relinquish it; that a consideration sufficiently valuable to induce a partial release of it may not exist: but as the whole community is interested in retaining it undiminished, that community has a right to insist that its abandonment ought not to be presumed, in a case in which the deliberate purpose of the State to abandon it does not appear.

The plaintiffs would give to this charter the same construction as if it contained a clause exempting the bank from taxation on its stock in trade. But can it be supposed that such a clause would not enlarge its privileges? They contend that it must be implied; because the power to tax may be so wielded as to defeat the purpose for which the charter was granted. And may not this be said with equal truth of other legislative powers? Does it not apply with equal force to every incorporated company? A company may be incorporated for the purpose of trading in goods as well as trading in money. If the policy of the State should lead to the imposition of a tax on unincorporated companies, could those which might be incorporated claim an exemption, in virtue of a charter which does not indicate such an intention? The time may come when a duty may be imposed on manufactures. Would an incorporated company be exempted from this duty, as the mere consequence of its charter? The great object of an incorporation is to bestow the character and property of individuality on a collective and changing body of men. This capacity is always given to such a body. Any privileges which may exempt it from the burthens common to individuals, do not flow necessarily from the charter, but must be expressed in it, or they do not exist.

If the power of taxation is inconsistent with the charter, because it may be so exercised as to destroy the object for which the charter is given; it is equally inconsistent with every other charter, because it is equally capable of working the destruction of the objects for which every other charter is given. If the grant of a power to trade in money to a given amount, implies an exemption of the stock in trade from taxation, because the tax may absorb all the profits; then the grant of any other thing implies the same exemption; for that thing may be taxed to an extent, which will render it totally unprofitable to the grantee. Land, for example, has, in many, perhaps in all the States, been granted by government since the adoption of the

Constitution. This grant is a contract, the object of which is that the profits issuing from it shall enure to the benefit of the grantee. Yet the power of taxation may be carried so far as to absorb these profits. Does this impair the obligation of the contract? This idea is rejected by all; and the proposition appears so extravagant, that it is difficult to admit any resemblance in the cases. And yet if the proposition for which the plaintiffs contend be true, it carries us to this point. That proposition is, that a power which is in itself capable of being exerted to the total destruction of the grant, is inconsistent with the grant, and is therefore impliedly relinquished by the grantor, though the language of the instrument contains no allusion to the subject. If this be an abstract truth, it may be supposed universal. But it is not universal, and therefore its truth cannot be admitted, in these broad terms, in any case. We must look for the exemption in the language of the instrument; and if we do not find it there, it would be going very far to insert it by construction.

The power of legislation, and consequently of taxation, operates on all the persons and property belonging to the body politic. This is an original principle, which has its foundation in society itself. It is granted by all for the benefit of all. It resides in government as a part of itself, and need not be reserved when property of any description, or the right to use it in any manner, is granted to individuals or corporate bodies. However absolute the right of an individual may be, it is still in the nature of that right, that it must bear a portion of the public burthens; and that portion must be determined by the legislature. This vital power may be abused; but the Constitution of the United States was not intended to furnish the corrective for every abuse of power which may be committed by the state governments. The interest, wisdom and justice of the representative body, and its relations with its constituents, furnish the only security, where there is no express contract, against unjust and oppressive taxation, as well as against unwise legislation generally. This principle was laid down in the case of *McCullough vs. The State of Maryland*, and in *Osborn et al vs. The bank of the United States*. Both those cases, we think, proceeded on the admission that an incorporated bank, unless its charter shall express the exemption, is no more exempted from

taxation, than an unincorporated company would be, carrying on the same business.

The case of *Fletcher vs. Peck* has been cited; but in that case the Legislature of Georgia passed an act to annul its grant. The case of the *State of New Jersey vs. Wilson* has been also mentioned; but in that case the stipulation exempting the land from taxation, was made in express words.

The reasoning of the Court in the case of *McCullough vs. The State of Maryland* has been applied to this case, but the court itself appears to have provided against this application. Its opinion in that case, as well as in *Osborn et al. vs. The bank of the United States*, was founded, expressly, on the supremacy of the laws of Congress, and the necessary consequence of that supremacy to exempt its instruments employed in the execution of its powers, from the operation of any interfering power whatever. In reasoning on the argument that the power of taxation was not confined to the people and property of a state, but might be exercised on every object brought within its jurisdiction, this court admitted the tenth of the proposition; and added, that 'the power was an incident of sovereignty, and was co-extensive with that to which it was an incident. All powers, the court said, over which the sovereign power of a State extends, are subjects to taxation. The sovereignty of a state extends to everything which exists by its own authority, or is introduced by its permission; but does it extend to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States? We think not.

So in the case of *Osborn vs. The Bank of the United States*, the Court said, 'the argument' in favor of the right of the State to tax the bank, 'supposes the corporation to have been originated for the management of an individual concern, to be founded upon contract between individuals, having private trade and private profit for its great end and principal object.

If these premises were true, the conclusion drawn from them would be inevitable. This mere private corporation, engaged in its own business, would certainly be subject to the taxing power of the State as any individual would be.

The Court was certainly not discussing the question whether a tax imposed by a State on a bank chartered by itself, impaired the obligation of its contract: and



these opinions are not conclusive as they would be had they been delivered in such a case, but they show that the question was not concluded as doubtful, and that inferences drawn from general expressions pointed to a different subject cannot be correctly drawn.

We have reflected seriously on this case, and are of opinion that the act of the Legislature of Rhode Island, passed in 1822, imposing a duty on licensed persons and others, and bodies corporate

within the State, does not impair the obligation of the contract created by the charter granted to the plaintiffs in error. It is therefore the opinion of this court, that there is no error in the judgment of the Supreme Judicial Court for the State of Rhode Island, affirming the judgment of the Circuit Court in this case; and the same is affirmed; and the cause is remanded to the said Supreme Judicial Court, that its judgment may be finally entered.

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## OBITUARY.

### SIR DAVID BAIRD.

*August 13, 1829.*—At his seat in Perthshire, Gen. Sir David Baird.

This distinguished soldier was descended from a junior branch of the Bairds, of Auchmedden in Banffshire. He was the fifth son of Wm. Baird, Esq.

He entered the army at the close of 1772, as Ensign in the 2d Foot. In 1778 he obtained a lieutenancy, and in September of the third year the grenadier company in the regiment then raised by Lord Macleod, and named the 73d. This corps he joined at Elgin, from whence it marched to Fort George, thence embarked for Guernsey, and in the course of 1779 sailed for Madras.

Thus sent to India, almost as soon as raised, and when its commissions were scarcely filled up, the seventy-third regiment entered upon a service which at once crowned it with glory, and annihilated everything belonging to it but its immortal name; so effectually indeed annihilated, that, it is reported Sir David Baird and one Sergeant were all that survived of the original 73d.

It was in the year of its arrival that Hyder Ally made his fearful irruption upon the Carnatic. He had interposed his vast army between that of the British commanded by Sir Hector Munroe, and a smaller force commanded by Colonel Baillie; when the latter, having already suffered considerably in engagements with the barbarians, sent to the commander an account of his difficult situation, conceiving it impossible to cope with an enemy of at least twelve times his number. Sir Hector Munroe, with the advice of a council of war, determined to supply Colonel Baillie with such a reinforcement as would enable him to push forward in despite of the enemy.

The detachment consisted of about 1000 men, under the conduct of Colonel Fletcher.

Their junction with Colonel Baillie was formed, but with imminent hazard.

Hyder, however, was determined that they should not return so safely; and under his own personal inspection he prepared with consummate ability, a trap to destroy the united detachments. Accordingly on the 10th of September, daylight had scarcely broken when they unwarily advanced into the very centre of his toils. The enemy in ambuscade reserved their fire till the unhappy English were in the midst of them. By seven o'clock in the morning the enemy poured down upon them in thousands, and every Englishman in the army was engaged. Captain Baird and his grenadiers fought with the greatest heroism, surrounded and attacked on all sides, by 25,000 cavalry, and 30 regiments of Sepoy infantry, besides Hyder's European corps, and a numerous artillery playing upon them from all quarters, yet this heroic column stood firm and undaunted, alternately facing their enemy on every side of attack.

Colonels Baillie and Fletcher, and Captain Baird had only ten pieces of cannon, but these were so excellently served that they made great havoc amongst the enemy. At length, after a dubious contest of three hours, victory began to declare for the English, when an unavoidable misfortune happened which totally changed the fortune of the day. By some accident, the tumbrils, which contained the ammunition, suddenly blew up, in the centre of the British lines.

One whole face of their column was thus entirely laid open, and their artillery destroyed.

The destruction of men was great, but the total loss of ammunition was still more fatal to the survivors.

Colonels Baillie and Fletcher, assisted by Captain Baird made one more desperate effort; they rallied the Europeans under the whole fire of the enemy, gained a little eminence, and formed themselves into a new square. In this form did this invincible band, the officers fighting only with their swords, and the sol-

diers with their mere bayonets, resist and repulse the enemy in thirteen different attacks, until at length they were fairly borne down and trampled upon, many of them still continuing to fight, under the very legs of the horses and elephants.

The loss of the English in this engagement, amounted to about four thousand Sepoys and six hundred Europeans. Colonel Fletcher was slain on the field, Colonel Baillie and Captain Baird, together with several officers were made prisoners. They were carried in to the presence of Hyder, who received them with the most insolent triumph and ferocious pride.

They were marched to one of Hyder's nearest forts, and there subjected to an imprisonment. Captain Baird in particular, was chained by the leg to another prisoner — as much of the slaughter in Hyder's army was imputed to the English grenadiers. He remained a prisoner at Seringapatam three years and a half. In March, 1784, he was released, and in July, he joined his regiment, which in 1785 changed its number to the 71st. He received the majority of the 71st, June 5th, 1787; and in October obtained leave of absence and visited Britain. He obtained the lieut. colonelcy of the regiment, Dec. 8th in 1790, and in 1791 returned to India and joined the army under Marquis Cornwallis. He commanded a brigade of Sepoy's, and was present at the siege of Seringapatam in 1791 and 1792. In 1793, he commanded a brigade of Europeans and was present at the siege of Pondicherry. In 1795 he was appointed Colonel. In October, 1797, he embarked at Madras with his regiment for Europe. Upon his arrival at the Cape of Good Hope he was appointed Brigadier General, and placed on that staff in command of a brigade. He was promoted to the rank of Major General, June 18, 1798, and removed to the staff in India. The 1st of February he joined the army forming for the attack of Seringapatam, and commanded a brigade of Europeans. On the 4th of May he commanded the storming party with success.

In 1800 he was removed to the Bengal staff, and commanded a brigade, &c, at Dypore.

In 1801 he was appointed to command an intended expedition against Egypt, but which was sent to Egypt. He landed at Cosier in June, with the army, and joined Lieut. General Sir John Hutchinson's army, a few days before

the surrender of Alexandria. In May, 1801, he was appointed Colonel of the 54th regiment; in 1802, he returned across the Desert to India, in command of the Egyptian Indian army.

He was removed to the Madras staff in 1803, and commanded a large division of the army forming against the Mahrattas. He marched into the Mysore country, where the commander in chief, Lieut. General Stuart, joined, and afterwards arrived on the banks of the river Jambudra, in command of the line. Major General Wellesley being appointed to the command of the greater part of the army, this officer proceeded into the Mahratta country, and finding that his services could be of no further use, he obtained permission to return to Britain, where he arrived on the 3d of November.

Sir David Baird received permission to wear the Turkish order of the Crescent, Dec. 31, 1803; he was knighted by patent, dated June 19th, 1804; and was nominated a Knight companion of the Bath, on the 18th of August following. In the same year he was placed on the staff in England; he was appointed Lieut. General, Oct. 30th, 1805, and commanded an expedition against the Cape of Good Hope. He arrived there the 5th of January, 1806, made good the landing on the 6th, on the 10th the Castle and town of Capetown surrendered; and on the 18th General Jansens surrendered the colony. In 1807, he was recalled. On the 19th of July he was removed from the colonelcy of the 54th, to that of the 24th, and placed on the foreign staff under General Lord Cathcart. He commanded a division at the siege of Copenhagen, where he was twice slightly wounded, and returned with the army in November.

In September, 1808, he sailed in command of about 10,000 men for Corunna, where he arrived in the beginning of November and formed a junction with the army under Sir John Moore. He commanded the first division of that army; and in the battle of Corunna, on the 16th of January, 1809, he lost his left arm.

As senior officer after Sir John Moore's death, Sir David Baird communicated to Government, the victory of Corunna, and received the thanks of both houses of Parliament.

In testimony of the royal approbation, General Baird was created a Baronet by patent dated April 13th, 1809. Sir David Baird was promoted to the rank of Gen-

eral, June 4, 1814; was appointed Governor of Kinsale on the death of Gen. Sir Cornelius Cuyler, in 1819, and of Fort George on the death of Gen. Ross, 1827. He was married Aug. 4th, 1810, to Miss Preston Campbell, of Ferntower and Locklane, co. Perth; but having no issue, is succeeded in the Baronetcy, in pursuance of the patent, by his elder brother, Robert Baird, Esq. of Newbyth.

#### BUSHROD WASHINGTON.

November, 1829.—At Philadelphia in the 71st year of his age, Bushrod Washington, one of the Associate Justices of the Supreme Court of the United States.

Mr Justice Washington was the son of John A. Washington, Esq. of Westmoreland County, Virginia, who was the next eldest brother of General Washington. His father was a gentleman of strong mind, and possessed the consideration and confidence of all who knew him. He was, a delegate in the State Legislature of Virginia, and a magistrate of the County in which he resided. Bushrod Washington, his son, received a part of his classical education in the house of the inflexible patriot Richard Henry Lee, under a private tutor; his studies were continued under his paternal roof, and afterwards at William and Mary's College. At that respectable institution commenced his intimacy and friendship with Chief Justice Marshall, with whom he became afterwards associated in the Supreme Court of the United States; and whose esteem, confidence and respect, he continued to possess, in the fullest extent, to the close of his life.

The invasion of Virginia by Lord Cornwallis, called from their studies, for its defence the gallant youth of the State, and among them Bushrod Washington, who joined a volunteer troop of cavalry, under Colonel John F. Mifflin, in the army commanded by Marquis La Fayette. During the whole of the summer he remained in the field, and until Cornwallis had crossed James river. It was then supposed that the invaders intended to move on South Carolina; the troop was disbanded, and its members returned to their homes. In the following winter he came to Philadelphia, and under the auspices and affectionate care of General Washington, he was placed, as a student at law, in the office of Mr Wilson, a gentleman of great legal learning and high character, and who was afterwards appointed a Justice of the Supreme Court of the United

States. After completing his studies, he turned to Virginia and practised his profession in his native county with reputation and success. In 1781, he was chosen a member of the house of delegates of Virginia; and the following year, as one of that body, he assisted in the adoption and ratification of the Constitution of the United States by the State of Virginia.

From Westmoreland he removed to Alexandria, a wider sphere for the exercise of his talents as an advocate and a jurist; and he went afterwards from thence to Richmond, and there assumed and maintained an equal station with the gentlemen of that bar; whom to equal, has always been and continues to be conclusive evidence of the highest professional attainments and character.

During his arduous, industrious and extensive practice at the bar in Richmond and throughout the State, Judge Washington undertook to report the decisions of the Supreme Court of Virginia; a work in two volumes, of high authority in the Courts of that State, and in those of the Union.

He was married, in 1785, to Miss Blackburn; but had no children. He was a devoted husband to an affectionate wife, and such was the strength of her conjugal attachment to her deceased husband, that she survived him but three days. His high and just reputation as a lawyer, the purity and integrity of his character, and the confidence and respect of the whole community with whom he lived, induced President Adams, in 1798, to appoint him an associate Justice of the Supreme Court of the United States, to fill the vacancy, which had occurred by the decease of Mr Justice Wilson. He continued to hold that honorable situation, and presided in the Circuit Court of New Jersey and in that of Pennsylvania from April, 1803, having been during that year assigned to the Circuit Courts composing the third Circuit, until his death in Nov. 1829, after an illness of nearly two months. He arrived at Philadelphia early in October, on his way to Trenton, to open the Circuit Court, and complained the morning following of being unwell. He nevertheless went to New Jersey, and discharged the public duties with his accustomed energy and ability. As soon as the business was disposed of, he hurried back to Philadelphia, to avail himself of the medical advice of his favorite physician, Dr Chapman. The disorder increased rapidly—and he seemed

early impressed with the belief that he should not overcome it. The hope that he would be able to go through the duties of the session of the Circuit Court of the United States for Pennsylvania was not, however, entirely abandoned, until a week of the term had elapsed. His family fortunately reached him in time to console his concluding hours, and give to the final departure from this world one of the important comforts of which it is susceptible.

Judge Washington was the favorite nephew of President Washington, and the devise of Mount Vernon; the much loved residence of that venerated patriot. To Judge Washington he also gave his library, and he also bequeathed to him his public and private papers; at the same time appointing him one of his executors. These high and affectionate testimonials of confidence and esteem were ever held in proud possession by him on whom they were bestowed, and by whom they were deserved.

For thirtyone years Judge Washington held the station of Justice of the Supreme Court, with a constantly increasing reputation and usefulness. Few men, indeed have possessed higher qualifications for the office, either natural or acquired. Few men have left deeper traces in their judicial career, of everything, which a conscientious judge ought to propose for his ambition or his virtue or his glory. His mind was solid, rather than brilliant; sagacious and searching rather than quick or eager; slow, but not torpid; steady, but not unyielding; comprehensive and at the same time cautious, patient in inquiry, forcible in conception, clear in reasoning. He was, by original temperament, mild, conciliating and candid, and yet was remarkable for an uncompromising firmness. Of him it may be truly said, that the fear of man never fell upon him; it never entered into his thoughts, much less was it seen in his actions. In him the love of justice was the ruling passion, it was the master spring of all his conduct. He made it a matter of conscience to discharge every duty with scrupulous fidelity and scrupulous zeal. It mattered not, whether the duty were small or great, witnessed by the world or performed in private; everywhere the same diligence, watchfulness and pervading sense of justice were seen.

There was about him a tenderness of giving offence, and yet a fearlessness of consequences in his official character, which it is difficult to portray. It was a rare combination, which added much

to the dignity of the bench, and made justice itself, even when most severe, soften into the moderation of mercy. It gained confidence; when it seemed least to seek it. It repressed arrogance by overawing or confounding it.

To say, that as a judge, he was wise, impartial and honest, is but to attribute to him those qualifications, without which the honors of the bench are but the means of public disgrace, or contempt. His honesty was a deep vital principle, not measured out by worldly rules.

His impartiality was a virtue of his nature, disciplined and instructed by constant reflection upon the infirmity and accountability of man. His wisdom was the wisdom of the law, chastened and refined and invigorated by study, guided by experience, dwelling little on theory, but constantly enlarging itself by a close survey of principles.

He was a learned judge. Not in that every day learning, which may be gathered up by a hasty reading of books and cases; but that which is the result of long, continued, laborious services, and comprehensive studies. He read to learn, and not to judge; to digest and master, and not merely to display. He was not easily satisfied. If he was not as profound as some, he was more exact than most men. But the value of his learning was, that it was the keystone of all his judgments. He indulged not the rash desire to fashion the law to his own views; but to follow out its precepts with a sincere good faith and simplicity.

Hence he possessed the happy faculty of yielding just the proper weight to authority; neither on the one hand surrendering himself to the dictates of other Judges, nor on the other hand overruling settled doctrines upon his own private notions of policy or justice.

But it is as a man, that those who knew him best, will most love to contemplate him. There was a daily beauty in his life which won every heart. He was benevolent, charitable, affectionate and liberal in the best sense of the terms. He was a Christian, full of religious sensibility and religious humility. Attached to the Episcopal church by education and choice, he was one of its most sincere, but unostentatious friends. He was as free from bigotry as any man; and at the same time that he claimed the right to think for himself, he admitted without reserve the same right in others. He was, therefore, indulgent even to what he deemed errors in doctrine, and abhorred all persecution for conscience'

## OBITUARY.

sake. But what made religion most attractive in him, and gave it occasionally even a sublime expression, was its tranquil, cheerful, unobtrusive, meek and gentle character.

There was a mingling of christian graces in him, which showed that the habit of his thoughts was fashioned for another and a better world.

### QUEEN OF PORTUGAL.

*Jan. 7th, 1830.*—At the palace of Queluz, near Lisbon, aged 54, her Majesty Charlotte Joachima, Queen Dowager of Portugal.

She was born April 25th, 1775, the eldest daughter of King Charles the 4th of Spain, by Louisa Maria Theresa, Princess of Parma. She was married Jan. 9th, 1790, to King John the Sixth of Portugal, who died March 10th, 1826.

The activity of 'the old Queen,' in the administration of the government of Portugal, during many years past, is well known. Her character has long been unpopular in England, and her death was announced in the Times newspaper, in the following terms of unmeasured censure. 'The only fact of importance which the Lisbon papers record, and it is enough for one arrival, is the death of the Queen Dowager of Portugal, the mother and adviser of Don Miguel, the fanatic plotter against the peace and freedom of Portugal, and the unrelenting instigator of general persecution and violence. Few persons, in modern times, have enjoyed such extensive means of mischief, on so limited a stage of action, and none have ever exercised them with a more eager instinct of cruelty and vengeance. Reflecting in her last moments on the distracted condition of the Portuguese Monarchy, groaning under usurpation and oppression, with its trade destroyed, its industry paralyzed, and its best subjects in dungeons or in exile, she could leave the world with the proud satisfaction, that its delivery into the hands of despotism and anarchy, was mainly her own work.'

Though for a long time called 'the old Queen,' she was not far advanced in life, when she became the victim of her dissolute habits and ardent passions.

When, shortly before her dissolution, pressed by one of her confidants, to receive the last rites of religion, she replied 'do you imagine I am already at my extremity?' She had previously ordered that Azeveda her physician, should not be allowed to approach her any more, for having given at second hand the same

advice. A few hours before her death she expressed a wish to see Don Miguel, who manifested the utmost indifference to the situation of his mother. Upon being told that he had gone out with the Marquis de Ballas, she is reported to have said 'It appears that Don Miguel takes more interest in the daughter of the Marquis than in me; but he will soon regret the death of his mother.' She retained her faculties and self-possession to the last; in proof of which she ordered several letters written by Lord Beresford to be brought to her and consigned to the flames before her eyes. The correspondence of another Englishman under the name of Major Dodswell met with a similar fate. The family of which the Queen was mother, consisted of three sons, and six daughters.

### SIR THOMAS LAWRENCE.

*Jan. 14th, 1830.*—At his house in Russell Square, London, aged 60, Sir Thomas Lawrence, Knight, President of the Royal Academy of England and Knight of the Legion of Honor.

Sir Thomas Lawrence was born at Bristol, April 13, 1769. His father Thomas who had been a supervisor of excise, took possession of the White Lion Inn in Broad street, on the 3d of June following Sir Thomas's birth, Sir Thomas Lawrence's mother was the daughter of a clergyman in Gloucestershire.

Failing in business at Devizes, Mr Lawrence returned to Bath, and for some time owed his own support and that of his family to the talents and industry of his son Thomas, then in his boyhood.

Without favoring circumstances therefore, it may well be ascribed to innate genius that young Lawrence, at a very early period of life, manifested a decided talent for the fine arts and particularly for portraiture. His predilections and abilities in this pursuit led to his being placed as a pupil under the care of Mr Hoare, a crayon painter of excellent taste, fancy and feeling. At first he executed likewise in the manner of his instructor, and two of these portraits have been seen of ladies in redjackets—the then unsightly costume of the fashionable of Bath—for which he was paid ten shillings and six pence each; but in their finish they partake of the extreme delicacy of his latest production.

The Hon. John Hamilton, a member of the Abercrombie family, contributed greatly towards the cultivation of the young artist's talents, as well by pecuniary encouragement as by affording him

access to some very fine scriptural pieces, the productions of the old masters, in his possession. Another of his early patrons was Sir Henry Masson, a Derbyshire baronet of fortune and liberality, who even went so far as to offer to send the lad to Italy at his own expense; this proposal was declined by the father, on the alleged ground that 'Thomas's genius stood in need of no such aid.' The most remarkable incident in the life of young Lawrence, during his residence at Bath, was his receiving the great silver palette from the Society of Arts.

Before Sir Thomas had attained his 17th year, the family removed from Bath to London, and in those days the father used to sell pencil sketches and portraits, the early drawings of his son, for half a guinea each, many of which have since been repurchased by him at a high price. —Lawrence's first appearance as an exhibitor at Somerset House was in 1787; here we find Thomas Lawrence at No. 4 Leicester Square, with seven productions. —In 1789 he exhibited no fewer than thirteen pieces, and was evidently advancing rapidly in his profession, he was in 1791 a principal painter in ordinary to the King.

The peace of 1814 was an auspicious era for Lawrence. He received a magnificent commission from his royal patrons, to paint the allied sovereigns, their ministers and the most exalted personages of Europe, including the Pope, Metternich, Blucher, Platoff, &c.

For this purpose he visited Paris, Vienna, Rome and the other principal cities of the continent. —He received the order of Knighthood April 20, 1815.

On the death of Mr West in 1820, Sir Thomas Lawrence was elected to the President's chair in the royal academy. In this high and honorable office, his elegance and suavity of manners, united with a strong impression of his general benevolence and liberality, rendered him eminently popular.

His last public duty at the academy, was the delivery of the biennial medals, about a month before his decease.

In 1826 Sir T. Lawrence paid another visit to Paris, for the purpose of painting Charles the Tenth, and was rewarded with the cross of the legion of honor.

His death was unexpected, occurring after a slight illness of five days.

His death was ascertained to have ensued from an extensive and complicated ossification of the vessels of the heart.

#### RIGHT HON. GEORGE TIERNEY.

Jan. 25th, 1830. —At his house in Saville Row, aged 68, the Rt. Hon. George Tierney, M. P. for Knarborough.

Mr Tierney was of Irish descent, and was born at Gibraltar, March 20th, 1761. He was educated at Eton, and at Peterhouse, Cambridge where he took the degree of LL.D. in 1784. His destination in life was the bar, to which he was called, but which from the decrease of three brothers, his private fortune enabled him early to relinquish for the more lofty arena of the Senate. Previous, however, to obtaining that object of his ambition, he became an author, by the publication of 'The real situation of the East India Company considered with respect to their rights and privileges.' 1787.

The death of Sir Edmund Affleck, the member for Colchester, at the close of 1788, made an opening in the house of Commons, which appeared to Mr Tierney to be suited to his views.

The step was a bold one, for Colchester was a borough famous for the length and vigor of its contests.

Not intimidated, however, Mr Tierney stood for what was termed the popular interest, in opposition to George Jackson, Esq. Both candidates had an equal number of votes, and in consequence there was a double return; but on the 1st of April, 1789, the Committee appointed to try the Election reported that George Tierney Esq. was duly elected. In the following year, however, at the general election, the tables were reversed Mr Jackson was returned, and, on Mr Tierney's petition, the Committee reported, April 4, 1791, that 'it was frivolous and vexatious.' Mr Tierney published in 1791, 'Two letters addressed to the Right Hon. Henry Dundas and the Hon. Henry Hobart on the conduct adopted respecting the Colchester Petition.'

Having continued his researches on India affairs, in the same year he also published, 'A letter to the Rt. Hon. Henry Dundas, on the situation of the East India Company.' To this pamphlet which was anonymous, an able and satisfactory reply, was written by Mr George Anderson. Mr Tierney then published, with his name, 'A Letter to the Rt. Hon. Henry Dundas, on the statement of the affairs of the East India Company, lately published by George Anderson, Esq.'

Mr Tierney, at the general election,

in 1796, was invited to stand for Southwark; and a subscription was raised to bring him in free of expense. His competitor was the late George Woodford Thelasson, Esq. Mr Thelasson had a decisive majority on the poll; but Mr Tierney prepared a petition, and after an investigation before a committee, at which he acted as his own counsel, obtained a decision that Mr Thelasson's election was void, in consequence of his having acted 'in violation of the Statute commonly called the Treating Act, whereby he is incapacitated to serve in Parliament, upon such election.'

On the new election which in consequence took place, Mr Thelasson had again a majority; but on another petition from Mr Tierney, it was determined that the former was not eligible, and that the latter was duly elected.

Mr Tierney now became a constant attendant in the Houses, a frequent debater, and an active opponent of Mr Pitt and the war with France.

During the debate of the bill, 'for suspending seamen's protections,' of Friday, May 25th, 1798, Mr Pitt was thrown of his guard, and declared, that 'he considered Mr Tierney's opposition as proceeding from a wish to impede the service of the Country.' For this expression the speaker, at Mr Tierney's desire, required an apology; but Mr Pitt declined. Nothing further was said in the house; but Mr Tierney thought it necessary to demand in private that satisfaction, which the speaker had been unable to procure for him. A duel in consequence took place on the Sunday following, which fortunately terminated without bloodshed.

On the dissolution in 1802, a third candidate started for Southwark in addition to the late members. This was Sir Thomas Turton, who was greatly attached to Mr Pitt, under whose administration, in 1796, he had been created a baronet. Mr Tierney, however was found successful at the close of the poll, which was as follows. Henry Thornton, Esq. 1644, George Tierney, Esq. 1395, Sir Thomas Turton 1226.

On the 1st of June, 1803, Mr Tierney was sworn a privy Counsellor, as Treasurer of the navy; a new writ for Southwark was the same day ordered, and he was re-elected.

Having retired from office with Mr Adlington in May, 1804, he was examined by the Commissioners, while occupied in drawing up their tenth Report, and answered to their satisfaction.

On the 30th of September, 1806, Mr Tierney was appointed President of the board of Control for the affairs of India. A new writ for Southwark was ordered; but before the election came on, the Parliament was dissolved.

At the general election Sir Thomas Turton at length took the place of Mr Tierney; who was contented to be returned for the borough of Athlone; as in the next Parliament, he was for Bandon bridges.

In the same way he entered the Parliament of 1812, as member for Appleby; and at the elections of 1818, 1820 and 1826 he was returned for Knaresborough.

With Lord Grenville's administration, Mr Tierney's six months of office ceased; he again joined the opposition, of which after the death of Mr Ponsonby in 1817, he came to be considered the leader; nor did he return to place till Mr Canning invited him to the Mastership of the Mint, in May, 1827. He finally retired with Lord Goderich, in January, 1828. A few days before his death, he declared to an old and valued friend, that he had made up his mind to go down to the house on the first day of the present Session, for the purpose of delivering his opinion on the state of the country.

Mr Tierney had labored under an organic disease of the heart for many years. His mind was always cheerful, and the fatal malady never produced the least depression of spirits.

The day on which he died, he transacted business and was very cheerful. Mr Tierney married at Stapleton in Gloucestershire, July 10th, 1789, Miss Miller of that place. By that lady, who survives him, he had a large family.

#### WILLIAM TUDOR.

March 9th, 1830.—At Rio Janeiro in the 51st year of his age, Wm. Tudor, late Charge d'Affairs of the U. S. at the court of Brazil. Wm. Tudor was a native of the State of Massachusetts and a descendant of one of the early settlers of that Colony. His father was the first Judge Advocate in the American army at the commencement of the Revolutionary war. After passing several years in that service, he retired from the army and resumed the practice of the law, in which he attained distinguished eminence. He was many years a member of the Legislature of Massachusetts, and some time Secretary of that Commonwealth. His son, from early childhood, had made himself the idol of his friends,



by the natural sweetness of his disposition, and the liveliness of his genius—qualities which, stimulated by a pure spirit of patriotism, by an earnest attachment to the pursuits of literature, and by indefatigable industry, have disclosed themselves in results of permanent influence upon the temper, the taste, and the public spirit of his country.

Mr Tudor, like many other eminent citizens of New England, received the first rudiments of a classical education at the Phillips Academy, in Andover; and in his 18th year [1796] was graduated at Harvard University. He soon after visited Europe, and spent several years in travelling in various countries of that hemisphere.

After having been several years a member of the Legislature of Massachusetts, in the year 1823 Mr Tudor was appointed Consul of the United States at Lima, and for the ports of Peru. He arrived there a short time before the battle of Ayacucho, the decisive blow which terminated the dominion of Spain in South America. That event was preceded and followed by various successive revolutions, of which Mr Tudor was a witness; and of the progress and secret springs of which, he gave to the Government of the United States the most particular and correct information. He was recognised as Consul of the United States by the first Republican Government, formed after the dissolution of the Spanish authority. Through all the successive changes in the Government which ensued, Mr Tudor, by his candor, his discretion, and his conciliatory deportment, acquired and preserved the consideration of all the alternately predominating parties; and, even while without official political character, by the influence of his personal virtues alone, had obtained the confidence of the most eminent and patriotic leaders of the country; inasmuch, that when those unfortunate misunderstandings arose between the Republics of Columbia and Peru, which terminated in a war, Mr Tudor became the organ of a communication from the Peruvian Government, requesting the interposition of the United States to mediate a reconciliation between the two Republics. About the same time, the war between the Brazilian Government and the Republic of Buenos Ayres had led to numerous injurious acts and depredations committed by naval and other officers under Brazilian authority, against the commercial interests and citizens of the United States. In the summer of 1827, Mr Tudor was appointed Charge

d'Affairs of the United States at Rio de Janeiro. He received his commission at Lima, in the course of that year, but was detained by illness there, and afterwards at Valparaiso, in Chili, so that he arrived at Rio de Janeiro in the summer of 1828. He there negotiated an arrangement of indemnity for the depredations which had been suffered by citizens of the United States, and a commercial treaty, which was ratified with the unanimous concurrence of the Senate of the United States. After accomplishing these important services, Mr Tudor obtained from the Government a temporary leave of absence, rendered necessary by the state of his health, and doubly so by the earnestness of his desires to revisit the country where all his affections were centered, and a parent in the decline of life, to whom his filial attachment was the return and the rewards of the tenderest maternal devotion. The long treasured hope, mutually cherished, of this meeting, was destined to be disappointed. A few days of illness closed his life, and left to the surviving members of his family only the consolatory memory of his virtues, and a deeper interest in the promises and hopes of futurity.

Mr Tudor was never married. Unincumbered with the cares and ties of domestic life, his feelings, always benevolent, and his intellect, always active, sought occupation in the regions of literature, and expanded into useful exertions of a lofty patriotism. He was the founder, and for two years the sole editor and proprietor, of the *North American Review*, a work which has contributed, more than any other that could be named, to raise the standard of letters, of taste, and of science, on this continent. He continued to contribute some of the most pleasing and valuable articles to this periodical miscellany, long after he had ceased to be its editor, and even during his residence in Peru. His *Letters upon the Eastern States*, opened to the observers of manners, and to the painters of nature, a field until then almost wholly unexplored, and which has since been successfully cultivated, both in the forms of fiction and of truth. His *Life of James Otis*, preserved for the instruction of future ages the memory of the profoundest and most intrepid of the patriots, who prepared the mighty revolution, which their successors were to achieve. Among his manuscripts, are several volumes nearly prepared for the press, on various subjects of public interest, and containing much information

concerning the South American countries, which he had surveyed, during his residence in them, with the eye of an observer of nature and manners, of a statesman and a philosopher.

These are the principal and most lasting memoirs left by William Tudor, of his own high and honorable spirit. The Monument of Bunker Hill, which it may engage the grateful patriotism of more than one generation to complete, originated also in the conceptions of his mind. He was the founder of the association by which that work was undertaken. Nor here should the list of his exertions for the improvement and honor of his country end; while a member of the Legislature of Massachusetts, he took a deep interest in every work purposed for the internal improvement of the State; and had it been his fortune once more to revisit his native land, no purpose of good or of glory, which could have been designed for her benefit, would have failed to receive countenance and support from him.

MARQUIS DE LALLY TOLLENDAL.

March 11th, 1830. — At Paris, aged 79, Trophime Gerard, Marquis de Lally Tollandal, Peer of France, Minister of state, &c.

This distinguished patriot, orator and scholar, was the son of the brave but unfortunate, Count Lally, commander in chief of the French army in India; who it will be remembered, fell a sacrifice in the year 1766, to the intrigues of a party who had conspired his destruction, as the only means of preserving their own lives and characters. An iniquitous sentence of condemnation having been obtained against him, the unhappy general was beheaded, within six hours from the time of the judgment having been made known to him. Outraged justice, however, at length resumed her sway, for, in the year 1783, the attainer was reversed, the innocence of the murdered veteran was formally acknowledged; and his estates and honors restored to his son, the subject of this memoir.

Zealously devoted to the cause of national liberty, the Marquis de Lally Tollandal attached himself, in the early part of the revolution, to the popular party. On the 17th of July, 1789, he harangued Louis 16th, on his journey to Paris.

He voted, on the 4th August, for the abolition of the 'Droits seodaux;' and

that the King be proclaimed 'Restorer of the liberty of France.' He voted also for the admissibility of all Frenchmen to public functions; regard only being had to their talents and virtue. After so many acts of devotion to the national cause, the Marquis de La y suddenly lost all his popularity. He endeavored, in conjunction with M. M. Necker and Mounier, to establish in France a representative government, similar to that of England; the attempt brought upon him the hatred of the republicans. On finding his efforts to serve his country unavailing, and disgusted by the violent and cruel measures sanctioned by the convention, he withdrew from that assembly, of which his eloquence had rendered him one of the brightest ornaments.

From having been once the most popular character in France, the Marquis de Lally was now become an object of the most rancorous persecution; was arrested, and thrown into the Abbaye, where he escaped, almost by a miracle, the horrible massacres of the 2d and 3d September, 1792, having been a prisoner in that prison at so late a period as the 30th of August. From a letter bearing that date, it seems that he was indebted for his release principally to the influence of his Scottish relation, Lord Loughborough.

Soon after his escape from the Abbaye he went over to England, where he resided for a considerable length of time.

On hearing that the Jacobin faction had proceeded to the enormity of subjecting their King to a trial, the Marquis de Lally's devotion to the person of his prince rendered him so regardless of his own safety, as to petition the convention for permission to defend him at their bar.

Upon his request being refused by the convention, he published, in England, his 'Plaidoyer pour Louis XVI,' in which the cause of that unfortunate monarch is defended with consummate eloquence and unanswerable argumentation.

Afterwards, in 1797, he published his 'Defense des Emigrés Français, a work of such extraordinary merit, that not less than 40,000 were sold in France as rapidly as they could issue from the press. Nor was it read with less interest in foreign countries; having been immediately translated into German, Italian, Portuguese, and (by Gifford) into English. — His 'Compte rendre a des commettans,' and his 'Essai sur la vie de T. Wentworth comte de Strafford,' (in the latter of which he draws a parallel be-

tween the case of Lord Stafford and that of his own murdered father,) are also works of no ordinary merit.

His speech in the chamber of Peers, on the 24th March, 1818, 'pour la prorogation de la loi rendue le 5 Decembre, 1814, en faveur de emigrés,' and printed by order of the chambers, drew from Louis XVIII the complimentary title of 'L'Oratio pro Marcello.'

On the return of Buonaparte from Elba, in 1815, the Marquis de Lally followed Louis XVIII. to Ghent; and, on the second restoration of that monarch, he was elevated to the rank of Marquis, made a Peer of France, a minister of state, &c.

The venerable Marquis, notwithstanding

ing the harassing scenes he had passed through during the last forty years of his life, retained, till within a very few days of his decease, his faculties in a state of almost youthful vigor; and was preparing an address to the Chamber of Peers, against the opening of the session, when it pleased Heaven to deprive that assembly, of one of its greatest ornaments, and the King, of a devoted servant.

The Marquis left only one child, a daughter, married to the Count D'Aux, a French nobleman, by whom she has two children.

One distant branch of the family of Lally still exists in England, and two more remote branches in Ireland.

# ERRATA.

Page	16,	line	25	2d column,	for 'chance' read 'choice.'
"	17,	"	4	from bottom, 2d column,	for 'Wm. J. Barry' read 'Wm. T. Barry.'
"	50,	"	11	2d column,	for 'was' read 'were.'
"	58,	"	8	2d	" " 'it' " 'if.'
"	67,	"	47	2d	" " before 'among' insert 'and.'
"	142,	"	9	2d	" " '52' read '22.'
"	150,	"	26	1st	" " prohibiting, read 'prohibitory.'
"	"	"	8	2d	" " corruptions, " 'competition.'
"	168,	"	42	2d	" " product' " 'products.'
"	218,	"	8	1st	" dele 'period.'
"	219,	"	46	1st	" " Salapa' " 'Jalapa.'
"	221,	"	14	1st	" " M. Bresson' " 'M. de Bresson.'
"	225,	"	8	1st	" after ' ' insert 'popular choice.'
"	226,	"	30	2d	" after ' ' insert 'in favor.'
"	227,	"	46	1st	" dele 'because.'
"	229,	"	12	1st	" note' read 'vote.'
"	230,	"	35	1st	" Paste' " 'Pasto.'
"	"	"	36	1st	" 'Choes' " 'Choc.'
"	261,	"	28	1st	" " her' " 'how.'

## APPENDIX.

Page viii, line 4 from bottom, for '12,855,907' read '12,856,407.'













